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# **Water & Natural Resources Committee**

**Wednesday March 22, 2006  
1:30 p.m.--3:30 p.m.  
Reed Hall**

**Meeting Packet**

**Allan G. Bense  
Speaker**

**Donna Clarke  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

### Water & Natural Resources Committee

**Start Date and Time:** Wednesday, March 22, 2006 01:30 pm

**End Date and Time:** Wednesday, March 22, 2006 03:30 pm

**Location:** Reed Hall (102 HOB)

**Duration:** 2.00 hrs

#### Consideration of the following bill(s):

HB 1039 Miami-Dade County Lake Belt Area by Garcia

HB 1063 Regulation of Wells by Stansel

HB 1241 Caloosahatchee-St. Lucie Rivers Corridor Advisory Council by Williams

HB 1345 Saltwater Fisheries by Littlefield

Presentations by the Department of Environmental Protection, the Water Management Districts, and local governments on the implementation of alternative water supply provisions of the 2005 bill SB 444.

NOTICE FINALIZED on 03/20/2006 16:14 by LARSON.LISA



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1039                      Miami-Dade County Lake Belt Area  
**SPONSOR(S):** Garcia and others  
**TIED BILLS:**                              **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Water &amp; Natural Resources Committee</u>		Winker <i>RW</i>	Lotspeich <i>RL</i>
2) <u>Finance &amp; Tax Committee</u>			
3) <u>Agriculture &amp; Environment Appropriations Committee</u>			
4) <u>State Resources Council</u>			
5) _____			

### SUMMARY ANALYSIS

The bill makes the following changes to the Miami-Dade County Lake Belt Area (Lake Belt Area):

- Changes the boundary of the Lake Belt Area by including certain sections of the area which were previously excluded.
- Increases the mitigation fee that is imposed for each ton of limerock and sand that is sold from the area from its current seven cents per ton to 12 cents per ton beginning October 1, 2006, 18 cents per ton beginning October 1, 2007, and 24 cents per ton beginning October 1, 2008.
- Revises the date from January 1, 2001 to October 1, 2009 on which the mitigation fee will be increased by 2.1% (plus a cost growth index) pursuant to current law.
- Adds funding sources (South Florida Water Management District and Miami-Dade County) that may be reimbursed with proceeds of the mitigation fee.

The bill will have a positive fiscal impact on the revenue deposited into the Lake Belt Mitigation Trust Fund from approximately \$3 million in 2005 to \$10 million in 2009, due to three annual increases in the mitigation fee.

The bill will take effect October 1, 2006.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes – The bill increases the mitigation fee for the mining industry in the Lake Belt Area.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The Miami-Dade Lake Belt Area comprises 77.5 square miles of environmentally sensitive land located in the western edge of the Miami-Dade County urban area. This area consists of wetlands and lakes which act potentially as a buffer between the Everglades and the encroachment of urban development. The area is also used for mining limestone and sand, with rock mined from the area supplying about one-half of all the limestone used in Florida. The Northwest Wellfield, which is located at the eastern edge of the area, is the largest drinking water wellfield in the state and supplies about 40 percent of the potable drinking water for Miami-Dade County. About 50% of the land within the Lake Area is owned by the mining industry, 25% is owned by government agencies, and 25% is owned by non-mining private owners.

Section 373.4139, F.S., established the Lake Belt Committee for the purpose of developing a long-term plan for the Lake Belt Area. In February 1997 and February 2001, this committee submitted reports to the Legislature with findings, recommendations, and a plan for the Lake Belt Area.

Based on these findings and recommendations, s. 373.4149, F.S., was enacted which adopted the plan intended to enhance the water supply for Miami-Dade County and the Everglades, including the development of wellfield protection measures, while maximizing the efficient recovery of limestone, promoting the social and economic welfare of the community, and protecting the environment.

A major recommendation from the Lake Belt Committee was that in order to offset the impacts of rock mining in the Lake Belt Area, this activity needed to be offset by the implementation of a mitigation plan.

Section 373.41492, F.S., enacted the mitigation plan by requiring the assessment of a per-ton mitigation fee assessed on limestone and sand sold from the Lake Belt Area. Fees collected from such sales are to be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes.

Section 373.41492(2), F.S., provides that effective October 1, 1999; 5 cents for each ton of limerock and sand sold from within the Lake Belt Area will be assessed. The limerock or sand miner who sells the limerock or sand is required to collect the mitigation fee and send the fee to the Department of Revenue (DOR). Proceeds of the fee, less administrative costs for the DOR, are then transferred to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund created under s. 373.41495, F.S.

Section 373.41492(5), F.S., provides that effective January 1, 2001, and each January 1 thereafter, the per-ton mitigation fee must be increased by 2.1 percentage points, plus a cost growth index. Based upon this rate schedule, the mitigation fee for 2005 was 7 cents per ton.

All proceeds from the mitigation fee are to be used for mitigation activities that offset the loss of the value and functions of wetlands as a result of mining activities in the Lake Belt Area. Mitigation activities include the following:

- The purchase, enhancement, restoration, and management of wetlands and uplands.
- The purchase of mitigation credit from a permitted mitigation bank pursuant to s. 373.4136, F.S.
- Structural modifications to the existing drainage system to enhance the hydrology of the Lake Belt Area.
- Reimbursement to other funding sources, including the Save Our Rivers Land Acquisition Program and the Internal Improvement Trust Fund, for the purchase of lands acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land for mitigation due to rock mining.

Section 373.41492(6)(b), F.S., creates a Lake Belt Area mitigation fee interagency committee consisting of representatives from the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Fish and Wildlife Conservation Commission. A representative of the limerock mining industry is a non-voting member of the committee. The interagency committee is required to submit a report to the Legislature with recommendations for any needed adjustments to the mitigation fee (s. 373.41492(8), F.S.).

### **Effect of Proposed Changes**

The bill makes the following changes to the Miami-Dade County Lake Belt Area (Lake Belt Area):

- Changes the boundary of the Lake Belt Area by including certain sections of the area which were previously excluded.
- Increases the mitigation fee that is imposed for each ton of limerock and sand that is sold from the area from its current seven cents per ton to 12 cents per ton beginning October 1, 2006, 18 cents per ton beginning October 1, 2007, and 24 cents per ton beginning October 1, 2008.
- Revises the date from January 1, 2001 to October 1, 2009 on which the mitigation fee will be increased by 2.1% (plus a cost growth index) pursuant to current law.
- Adds funding sources (South Florida Water Management District and Miami-Dade County) that may be reimbursed with proceeds from the mitigation fee.

The bill will take effect October 1, 2006.

#### **C. SECTION DIRECTORY:**

Section 1: Amends s. 373.4149, F.S., changes the boundaries of the Lake Belt Area.

Section 2: Amends s. 373.41492, F.S., increases the mitigation fee for each ton of limerock and sand sold in the Lake Belt Area.

Section 3: The bill takes effect on October 1, 2006.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

According to the South Florida Water Management District, approximately \$3 million in fee revenues from about 43 million tons of limerock and sand mined were deposited into the Lake Belt Mitigation Trust Fund in 2005.

Under the new mitigation fee rates provided for in the bill, an estimated \$5.2 million in fee revenues would be deposited in the trust fund at the 12 cents level (effective October 1, 2006); \$7.8 million effective October 1, 2007, and \$10.3 million effective October 1, 2008. Effective October 1, 2009

and each October 1 thereafter, the mitigation fee will increase by 2.1%, plus a cost growth index which will further increase the fee revenues deposited in the trust fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The increases in the mitigation fees should increase revenues to local governments for mitigation activities expenses.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The increased mitigation fees will have a negative fiscal impact upon the mining industry in the Lake Belt Area.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that counties and municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

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A bill to be entitled

An act relating to the Miami-Dade County Lake Belt Area;  
amending s. 373.4149, F.S.; revising the geographic  
boundaries of the Miami-Dade County Lake Belt Area;  
amending s. 373.41492, F.S.; revising the geographic  
boundaries for mining areas subject to mitigation fees  
under the Miami-Dade County Lake Belt Mitigation Plan;  
providing for mitigation fee increases; authorizing  
proceeds of mitigation fees to be allocated to the South  
Florida Water Management District and Miami-Dade County  
for specific purposes; revising the reporting requirements  
for the interagency committee; providing an effective  
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 373.4149, Florida  
Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.--

(3) The Miami-Dade County Lake Belt Area is that area  
bounded by the Ronald Reagan Turnpike to the east, the Miami-  
Dade-Broward County line to the north, Krome Avenue to the west  
and Tamiami Trail to the south together with the land south of  
Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54  
South, Range 39 East, sections 24, 25, and 36, Township 54  
South, Range 38 East, less those portions of section 3, Township  
52 South, Range 39 East south of Krome Avenue and west of U.S.  
Highway 27, section 10, except the west one half, section 11,

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~~except the northeast one quarter and the east one half of the northwest one quarter, and tracts 38 through 41, and tracts 49 through 64 inclusive, section 13, except tracts 17 through 35 and tracts 46 through 48, of Florida Fruit Lands Company Subdivision No. 1 according to the plat thereof as recorded in plat book 2, page 17, public records of Miami Dade County, and section 14, except the west three quarters, Township 52 South, Range 39 East, lying north of the Miami Canal, and less sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East and Government Lots 1 and 2, lying between Townships 53 and 54 South, Range 39 East and those portions of sections 1 and 2, Township 54 South, Range 39 East, lying north of Tamiami Trail.~~

Section 2. Subsections (2), (5), and (7), paragraph (a) of subsection (6), and paragraph (b) of subsection (9) of section 373.41492, Florida Statutes, are amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.--

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area ~~and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and the east one-half of sections 24 and, 25 and all of sections, 35, and 36, Township 53 South, Range 39 East.~~ The mitigation fee is imposed ~~at the~~

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57 ~~rate of 5 cents~~ for each ton of limerock and sand sold from  
 58 within the properties where the fee applies in raw, processed,  
 59 or manufactured form, including, but not limited to, sized  
 60 aggregate, asphalt, cement, concrete, and other limerock and  
 61 concrete products. The mitigation fee imposed by this subsection  
 62 for each ton of limerock and sand sold shall be 12 cents per ton  
 63 beginning October 1, 2006, 18 cents per ton beginning October 1,  
 64 2007, and 24 cents per ton beginning October 1, 2008. Any  
 65 limerock or sand that is used within the mine from which the  
 66 limerock or sand is extracted is exempt from the fee. The amount  
 67 of the mitigation fee imposed under this section must be stated  
 68 separately on the invoice provided to the purchaser of the  
 69 limerock or sand product from the limerock or sand miner, or its  
 70 subsidiary or affiliate, for which the mitigation fee applies.  
 71 The limerock or sand miner, or its subsidiary or affiliate, who  
 72 sells the limerock or sand product shall collect the mitigation  
 73 fee and forward the proceeds of the fee to the Department of  
 74 Revenue on or before the 20th day of the month following the  
 75 calendar month in which the sale occurs.

76       (5) Beginning October 1, 2009 ~~January 1, 2001~~, and each  
 77 October 1 ~~January 1~~ thereafter, the per-ton mitigation fee shall  
 78 be increased by 2.1 percentage points, plus a cost growth index.  
 79 The cost growth index shall be the percentage change in the  
 80 weighted average of the Employment Cost Index for All Civilian  
 81 Workers (ecu 10001I), issued by the United States Department of  
 82 Labor for the most recent 12-month period ending on September  
 83 30, and the percentage change in the Producer Price Index for  
 84 All Commodities (WPU 00000000), issued by the United States

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Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program, and the Internal Improvement Trust Fund, the South Florida Water Management District, and Miami-Dade County, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that

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exchanged land under s. 373.4149 for mitigation due to rock  
~~mining rock~~mining.

(7) Payment of the fee imposed by this section satisfies  
the mitigation requirements imposed under ss. 373.403-373.439  
and any applicable county ordinance for loss of the value and  
functions from mining of the wetlands identified as rock mining  
~~rock~~mining supported and allowable areas of the Miami-Dade  
County Lake Plan adopted by s. 373.4149(1). In addition, it is  
the intent of the Legislature that the payment of the mitigation  
fee imposed by this section satisfy all federal mitigation  
requirements for the wetlands mined.

(9)

(b) No sooner than January 31, 2010, and no more  
frequently than every 5 ~~10~~ years thereafter, the interagency  
committee shall submit to the Legislature a report recommending  
any needed adjustments to the mitigation fee to ensure that the  
revenue generated reflects the actual costs of the mitigation.

Section 3. This act shall take effect October 1, 2006.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1063

Regulation of Wells

**SPONSOR(S):** Stansel

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1090

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Water &amp; Natural Resources Committee</u>	<u></u>	<u>Lotspeich <i>RA</i></u>	<u>Lotspeich <i>RA</i></u>
2) <u>Military &amp; Veteran Affairs Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Agriculture &amp; Environment Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>State Resources Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill addresses several issues relating to water well contractors. Specifically, the bill:

- Amends the water well contractor licensure requirements of s. 373.323, F.S., to allow a licensed water well contractor to act as a *prime* contractor if the majority of the work to be performed under a contract is within the scope of the water well contractor's license.
- Amends the license renewal provisions of s. 373.324, F.S., to require that the continuing education requirements for a license renewal be waived if the contractor has obtained his first license within 180 days before the end of the biennial licensing cycle.
- Provides that the license of any water well contractor who is serving on active duty as a member of the U.S. Armed Forces shall be kept in an active-license status as long as the contractor is an active-duty member of the U.S. Armed Forces and for a period of 6 months after discharge from active-duty status.
- Requires the DEP to adopt rules that would exempt from the license renewal requirements any licensed water well contractor who is a spouse of active-duty member of the U.S. Armed Forces when the family is required to relocate out of state due to an active-duty assignment.
- Imposes a fine up to \$5,000 on persons who drill water wells without a license.

The bill does not appear to have a fiscal impact on the state or local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Current Law

##### Water Well Contractor License

Part III of Chapter 373, F.S., currently regulates the construction, repair, and abandonment of water wells. Pursuant to s. 373.302, F.S., the Legislature has found that "the practice of constructing, repairing, and abandoning water wells, if conducted by incompetent contractors, is potentially threatening to the health of the public and to the environment." Accordingly, s. 373.306, F.S., prohibits the construction, repair or abandonment of a water well which is inconsistent with Part III of Chapter 373, F.S.

A permit is required for the construction, repair, or abandonment of any water well.<sup>1</sup> In addition, anyone who wants to engage in business as a water well contractor must be licensed by the water management district. The licensure requirements for water well contractors are set forth in s. 373.323, F.S. In addition, the Department of Environmental Protection (DEP) has adopted rules that set forth the requirements for water well contractor licensure.<sup>2</sup> An applicant for a water well contractor license must submit an application to the water management district. The applicant must be at least 18 years of age and have a minimum of two years experience in the construction, repair, and abandonment of water wells.<sup>3</sup> The applicant is required to take and pass an examination which has been prepared by the DEP. The examination is required to test: (1) the applicant's knowledge of rules and regulations of Part III of Chapter 373, F.S., (2) the applicant's ability to construct, repair, and abandon water wells, and (3) the applicant's ability to supervise, direct, manage, and control the contracting activities of a water well contracting business.<sup>4</sup> The water management district is required to issue a water well contractor license to any qualified applicant who passes the examination, pays the required application fee, and who completes at least 12 hours of approved course work.<sup>5</sup>

##### Renewals

Section 373.324, F.S., addresses issues relating to the renewal of water well contractor licenses. The DEP has adopted rules establishing a procedure for the biennial review of all licenses, and each water management district has incorporated the DEP rules by reference.<sup>6</sup> The renewal requires the submittal of an application for renewal and proof of the completion of 12 classroom hours of continuing education during the biennial cycle. Any license not renewed at the end of the biennial cycle automatically reverts to an inactive status. Such inactive licenses can be reactivated only by meeting the requirements of s. 373.325, F.S., which require the payment of renewal and penalty fees. A license that has been inactive for more than one year can be reactivated only by applying for licensure under the provisions of s. 373.323, F.S.

<sup>1</sup> s. 373.313, F.S.

<sup>2</sup> Rule 62-531, Florida Administrative Code

<sup>3</sup> s. 373.323(3), F.S.

<sup>4</sup> s. 373.323(4), F.S.

<sup>5</sup> s. 373.323(5), F.S.

<sup>6</sup> Rule 62-531.330, Florida Administrative Code

### Penalties

Under s. 373.336, F.S., it is unlawful for any person to practice water well contracting without an active license. Any person found to be in violation of this provision is guilty of a misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083, F.S.

### Effect of Proposed Changes

#### Water Well Contractor

The bill amends the water well contractor licensure requirements of s. 373.323, F.S., to allow a licensed water well contractor to act as a prime contractor if the majority of the work to be performed under a contract is within the scope of the water well contractor's license. In such a situation, the licensed water well contractor may contract with another water well contractor for the remaining work or he may contract with another contractor for work that does not require a water well contracting license.

#### License Renewal

The bill amends the license renewal provisions of s. 373.324, F.S., to require that the continuing education requirements for a license renewal be waived if the contractor has obtained his first license within 180 days before the end of the biennial licensing cycle.

The bill provides that the license of any water well contractor who is serving on active duty as a member of the U.S. Armed Forces shall be kept in an active-license status as long as the contractor is an active-duty member of the U.S. Armed Forces and for a period of 6 months after discharge from active-duty status.

The bill requires the DEP to adopt rules that would exempt from the license renewal requirements any licensed water well contractor who is a spouse of active-duty member of the U.S. Armed Forces when the family is required to relocate out of state due to an active-duty assignment.

### Penalties

In addition to the penalties currently provided in s. 373.336, F.S., the bill imposes a fine up to \$5,000 on persons who drill water wells without a license. The policies and procedures for the enforcement of such fines are to be established by the DEP.

#### C. SECTION DIRECTORY:

- Section 1. Amends s. 373.323, F.S., to provide that a licensed water well contractor may act as a prime contractor.
- Section 2. Amends s. 373.324, F.S., to address provisions relating to renewal of licenses for water well contractors.
- Section 3. Amends s. 373.333, F.S., to provide penalties for persons drilling wells without a license.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues: None
- 2. Expenditures: None

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues: None
- 2. Expenditures: None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill requires the Department of Environmental Protection to adopt changes to current rules that require that the continuing education requirements for a license renewal be waived if the contractor obtains his first license within 180 days before the end of the biennial licensing cycle.

The bill also requires DEP to adopt rules that would exempt from the license renewal requirements any licensed water well contractor who is a spouse of an active-duty member of the U.S. Armed Forces when the family is required to relocate out of state due to an active-duty assignment.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that a licensed water well contractor may act as a "prime contractor" if the majority of the work to be performed under a contract is within the scope of the water well contractor's license. The bill does not provide a definition of "prime contractor," nor is there a definition of this term found in any other section of the Florida Statutes. Under Chapter 489, F.S., construction contracting is regulated by the Department of Business and Professional Regulation. The term "general contractor" is defined in s. 489.(3)(a), F.S., as "a contractor whose services are unlimited as to the type of work which he or she may do, who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part, except as otherwise expressly provided in s. 489.113."

Allowing a water well contractor to act as a "prime contractor" may result in conflicts with the provisions of Chapter 489, F.S., relating to the licensing of general contractors.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

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A bill to be entitled

An act relating to regulation of wells; amending s. 373.323, F.S.; authorizing licensed water well contractors to act as prime contractors for certain work and to contract with other contractors; amending s. 373.324, F.S.; requiring the Department of Environmental Protection to include the renewal fee in its license-renewal method prescribed by rule; waiving continuing education requirements for license renewal of certain water well contractors; providing exemptions from continuing education requirements for water well contractors on active military duty; requiring the department to adopt rules exempting the spouses of active-duty military personnel from license renewal requirements under certain circumstances; amending s. 373.333, F.S.; increasing the amount of the administrative fine a water management district may impose for certain water well contracting violations; amending s. 373.336, F.S.; providing fines for persons or entities drilling a water well without a license or contracting with unlicensed water well contractors for water well services; requiring the department to establish policies and procedures for the enforcement of such fines; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (11) is added to section 373.323, Florida Statutes, to read:

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29           373.323   Licensure of water well contractors; application,  
30   qualifications, and examinations; equipment identification.--

31           (11) A licensed water well contractor may act as a prime  
32   contractor if the majority of work to be performed under the  
33   contract is within the scope of his or her license. A licensed  
34   water well contractor may contract with another licensed water  
35   well contractor for the remaining work or with another  
36   contractor for which a water well contracting license is not  
37   required.

38           Section 2. Subsection (3) of section 373.324, Florida  
39   Statutes, is amended, and subsections (7) and (8) are added to  
40   that section, to read:

41           373.324   License renewal.--

42           (3) The department shall prescribe by rule the method for  
43   renewal of a license, which shall include continuing education  
44   requirements of not less than 12 classroom hours for each  
45   renewal cycle as well as a renewal fee. However, if a water well  
46   contractor has received his or her first license within 180 days  
47   before the end of the license biennium, the continuing education  
48   requirements shall be waived for the licensee's first renewal  
49   cycle.

50           (7) Notwithstanding the renewal requirements of subsection  
51   (3), any water well contractor who is serving on active duty as  
52   a member of the Armed Forces of the United States who, at the  
53   time of becoming an active-duty member, had an active water well  
54   contractor license issued under this part and was entitled to  
55   practice or engage in water well contracting in this state shall  
56   be kept in active-license status, without registering, paying

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fees, or fulfilling the continuing education requirements, as long as he or she is an active-duty member of the Armed Forces of the United States and for a period of 6 months after discharge from active-duty status, provided he or she is not engaged in water well contracting in the private sector for profit.

(8) The department shall adopt rules exempting the spouses of active-duty members of the Armed Forces of the United States from licensure renewal provisions when the family must relocate out of state due to active-duty assignment.

Section 3. Paragraph (c) of subsection (5) of section 373.333, Florida Statutes, is amended to read:

373.333 Disciplinary guidelines; adoption and enforcement; license suspension or revocation.--

(5) When the water management district finds a person guilty of any of the grounds set forth in subsection (4), it may enter an order imposing one or more of the following disciplinary actions:

(c) Imposition of an administrative fine not to exceed \$5,000 ~~\$1,000~~ for each count or separate offense.

Section 4. Subsection (4) is added to section 373.336, Florida Statutes, to read:

373.336 Unlawful acts; penalties.--

(4) Persons or entities drilling a water well without a license or contracting with an unlicensed water well contractor for water well services shall be subject to a fine of up to \$5,000 for each violation. Policies and procedures for the



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84 enforcement of such fines shall be established by the  
85 department.

86       Section 5.   This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 1063**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Water & Natural Resources  
Committee

Representative(s) Stansel offered the following:

**Amendment**

Remove line(s) 37 and insert:  
required. For purposes of this section, a prime contractor  
shall not mean a general contractor as that term is defined in  
subsection 489.105(3).

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*RAL*



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1345

Saltwater Fisheries

**SPONSOR(S):** Littlefield

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2490

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Water &amp; Natural Resources Committee</u>		Lotspeich <i>RAL</i>	Lotspeich <i>RAL</i>
2) <u>Agriculture &amp; Environment Appropriations Committee</u>			
3) <u>State Resources Council</u>			
4) _____			
5) _____			

### SUMMARY ANALYSIS

The bill addresses several issues with regard to fees and penalties relating to taking blue crabs and spiny lobsters. Specifically, with regard to blue crabs the bill:

- amends s. 370.135, F.S., to create new "endorsement fees" for blue crabs;
- requires that \$25 of the new endorsement fees must be used for the trap retrieval program;
- requires an annual fee of 50 cents for each blue crab trap tag;
- allows the FWCC to establish by rule an amount of equitable rent that may be recovered from trap owners to the state for the enhanced access to its natural resources;
- requires that all the funds from fees, penalties and equitable rent relating to the blue crab program be deposited in the Marine Resources Conservation Trust Fund;
- provides penalties for untagged traps.

With regard to the spiny lobster, the bill provides additional administrative penalties for any person forging or bartering spiny lobster trap tags or certificates during any period of time while a trap number is under suspension or revocation.

The bill amends s. 370.143, F.S., relating to the trap retrieval program, to add traps for blue crabs and black sea bass to the types of traps that fall under the current trap retrieval program for spiny lobsters and stone crabs.

The bill appropriates \$120,000 from the commercial saltwater license revenues in the Marine Resources Conservation Trust Fund in order to pay for the program costs and the cost of blue crab trap tags for FY 2006-2007. There is also appropriated \$12,000 from the Marine Resources Conservation Trust Fund for the operational and administrative costs of the Blue Crab Advisory Board.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes - The bill increases the fees and penalties relating to the taking of blue crabs and spiny lobsters.

#### B. EFFECT OF PROPOSED CHANGES:

##### PRESENT SITUATION

##### Blue Crabs

##### Background

The blue crab supports an important commercial trap fishery in the State of Florida. During the 1998 Session, concerns about the rapidly increasing number of traps in the blue crab fishery resulted in a legislative moratorium on the issuance of new blue crab endorsements.<sup>1</sup> Last year, the Fish and Wildlife Conservation Commission (FWCC) extended that moratorium until July 1, 2006, to allow for the completion and adoption of the blue crab limited entry endorsement program.<sup>2</sup>

Problems in the blue crab fishery include the seasonal crowding of traps in confined waterways, lost traps and bycatch, endorsements that are unused, and conflict between hard shell blue crab producers and soft shell blue crab producers.

During 2003, the FWCC Division of Marine Fisheries Management (MFM) assembled an industry advisory board, the *ad hoc* Blue Crab Advisory Board (BCAB), to develop an effort management program. The primary recommendation of the BCAB was to develop an effort management program for the blue crab fishery before the moratorium on issuing endorsements is lifted in July 2006. The BCAB recommended separating the hard shell blue crab fishery from the soft shell blue crab fishery and creating separate endorsements for each. Hard shell blue crabs are sold on the live market or to picking houses and have a minimum size limit of five inches carapace length. Soft shell crabs are peeler crabs that are allowed to molt in shedding tanks, are sold in the soft shell condition (usually frozen), and do not have a minimum size limit.

The plan endorsed by the BCAB creates a limited access fishery that would limit the total number of participants in the fishery, with an equal number of traps available to each endorsement. Each qualified hard shell crab endorsement can receive up to 600 trap tags, which can be used anywhere, and an additional 400 for offshore waters of the Gulf of Mexico. Each qualified soft shell crab endorsement can receive up to 400 trap tags with an additional 250 tags for a subsequent qualified endorsement.

Once the program has been established, individuals wishing to enter the fishery would be required to purchase an existing blue crab endorsement and its associated traps from someone wishing to exit the fishery. Each trap will be required to have a tag, with the endorsement holder's number firmly attached. Trap tags would be supplied by the FWCC. The Commissioners approved this plan in April 2005, to become effective July 1, 2006.<sup>3</sup>

Based upon public testimony at the April 2005 meeting, the Commissioners directed staff to investigate mechanisms to accommodate fishers affected by the 1995 Net Limitation Constitutional Amendment

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<sup>1</sup> Subsection 370.135(2)(a), F.S.

<sup>2</sup> Rule 68B-45.004(9)(b)

<sup>3</sup> Rule 68B-45.007, F.A.C.

(Article X, Section 16, Florida Constitution) who have a blue crab endorsement but no qualifying landings, and in other fisheries in which blue crab bycatch is permitted. This affected several thousand commercial fishers who used this type of gear to harvest inshore species such as mullet. In 2000, a limited entry program for the stone crab fishery was implemented that issued trap tag certificates based upon reported commercial stone crab landings. Bona fide displaced netters, who would not have qualified to be in the program, were awarded a certain amount of trap certificates as compensation for the loss of their net gear. Many of these displaced net fishers also possess a blue crab endorsement, but do not have any reported blue crab landings during the qualifying years. These endorsements are free and have been renewed over the years as an additional fishery option should their principal fishery fail. Staff developed language by which qualified displaced netters could be issued a non-transferable blue crab endorsement that would make them eligible for up to 100 trap tags.

A blue crab bycatch in shrimp trawls (200 pounds per day) has been allowed since 1993, and a nominal amount of blue crabs have historically been landed as bycatch from stone crab traps. Under the new blue crab limited entry program, a harvester must possess a blue crab endorsement to harvest, possess, and sell commercial quantities of blue crab. Staff developed language establishing an incidental take endorsement to allow the incidental harvest, possession, and sale of 200 pounds of blue crabs from shrimp trawls and stone crab traps. This incidental take endorsement has precedence in the stone crab fishery.<sup>4</sup>

The BCAB recommended setting a fee for the hard shell blue crab endorsement at \$125; a fee for the soft shell blue crab endorsement of \$250, a fee for the displaced-netters blue crab endorsement of \$125, and a fee for the incidental take endorsement of \$25. The BCAB recommended that \$25 of each endorsement fee, except for the incidental take endorsement, would be used for the trap retrieval program administered by FWCC in cooperation with the commercial fishing industry. Additionally, the BCAB recommended a trap tag fee \$0.50 per tag.

The Commissioners approved all of the BCAB's fee recommendations and requested that they be presented to the 2006 Legislature.

### Current Law

Section 370.135, F.S., currently addresses the regulatory requirements relating to the commercial taking of blue crabs using traps. Pursuant to the provisions of subsection 370.135(1), F.S., blue crabs may not be taken using a trap unless the person, firm or corporation setting the trap holds a valid saltwater products license issued by the FWCC pursuant to s. 370.06, F.S., and the trap has a current state number permanently attached to the buoy used to mark the trap.

Under subsection 370.135(1), F.S., it is a third degree felony for anyone to willfully molest any trap, line or buoy that belongs to another without the express written permission of the trap owner. Any person receiving a judicial disposition for such a violation, in addition to the penalties specified in s. 370.021, F.S., (general penalties for violations of FWCC rules), shall lose all saltwater fishing privileges for a period of 24 calendar months.

It is also unlawful under this subsection to remove the contents of another harvester's trap or to take possession of such a trap. Such removal or possession constitutes a theft. Any person receiving a judicial disposition for such a violation, in addition to the penalties specified in s. 370.021, F.S., shall lose all saltwater fishing privileges for a period of 24 calendar months.

In addition, any person receiving a judicial disposition for any violation of subsection 370.135(1), F.S., or s. 370.1107, F.S., (unlawful possession of licensed saltwater fisheries traps) shall be assessed an administrative penalty of up to \$5,000.

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<sup>4</sup> Subsubparagraph 370.13(1)(b)6(c), F.S.  
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DATE: 3/14/2006

## **Spiny Lobster**

### **Background**

The spiny lobster trap certificate program was established by statute (s. 370.142, F.S.) in 1990 to “stabilize the fishery by reducing the total number of traps, which should increase the yield per trap and maintain or increase overall catch levels”. The program was implemented in response to rapid growth of the fishery and associated problems of “increased congestion and conflict on the water, excessive mortality of undersized lobsters, a declining yield per trap, and public concern over petroleum and debris pollution. . . .” The number of traps in the fishery was capped at 750,327 and fishers were allocated their share of allowable traps on the basis of their historical landings.<sup>5</sup> Each year fishers receive one trap tag for each trap certificate on record in their file. Only lobster traps bearing a trap tag issued by the FWCC may be fished. A fisher may buy or sell trap certificates on the open market.

### **Current Law**

Section 370.14, F.S., addresses the regulatory requirements for taking spiny lobsters (crawfish). Under this section, any person taking or attempting to take a crawfish with a trap in commercial quantities must obtain and exhibit a crawfish trap number as required by the FWCC. Under subsection 370.142(2), F.S., the FWCC has established a “trap certificate program” for the spiny lobster fishery. Each person who holds a saltwater products license who uses traps for taking spiny lobsters is required to have a certificate on record for each trap that is used. In addition, each trap must have affixed to it an annual tag issued by the FWCC.

Paragraph 370.142(2)(c), F.S., provides for prohibitions and penalties regarding violations relating to the spiny lobster trap certificate program. Specifically, it is unlawful for a person to:

- possess or use a spiny lobster trap without the required certificate and tag;
- molest a trap or remove its contents;
- forge a trap certificate of tag;
- barter, trade, sell, supply a trap certificate or tag.

This paragraph provides for civil penalties ranging from \$1,000 to \$5,000 and suspensions and revocations of the holder's trap number. It also provides for a third degree felony for any person who violates the forging or bartering provisions during the period of time that a trap number is under suspension.<sup>6</sup>

## **Trap Retrieval Program**

### **Background**

Spiny lobster season ends on March 31 each year; stone crab season ends on May 15. Fishers are required to remove their traps from the water during the closed season. Traps may be left in the water at the close of season for several reasons: (1) they were moved by currents or dragged by boats and lost to the owner; (2) the owner is either unable to bring them in, e.g. because of illness, a mechanical problem with his boat, etc., or chooses to not retrieve them; or (3) the owner may intend to continue fishing. Traps left in the water pose two basic problems: they continue to catch product, much of which dies, and they have the potential to be illegally fished. Also, traps that are left in the water can end up as “derelict traps” or “trap debris”, swept shoreward by currents into mangrove forests, shallow water flats, grass beds and marsh areas.

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<sup>5</sup> Rule 68E-18, F.A.C.

<sup>6</sup> Subsubparagraph 370.142(2)(c)6a, F.S.

While spiny lobster and stone crab have long had specific closed seasons, blue crab has been a year-round fishery until recently. In 2003, the Commission closed the blue crab fishery in an area north and west of the Suwannee River seaward of a line three nautical miles from shore for the 14 days prior to stone crab season. In 2004, the 14-day closure zone was extended to the entire Gulf Coast, seaward of the three-nautical-mile line. The principal reason for excluding blue crab traps from waters beyond the three mile line is to preclude the possibility that such traps could be used to collect stone crab immediately prior to the beginning of the stone crab fishing season.

In 2003, the Commission adopted guidelines for trap retrieval and trap debris removal.<sup>7</sup> Definitions apply to spiny lobster, stone crab, and blue crab traps, and a closed season now exists for all three fisheries.

### Current Law

Section 370.143, F.S., authorizes the FWCC to implement a trap retrieval program for retrieval of spiny lobster and stone crab traps remaining in the water during the closed season for each species. Trap owners are charged a retrieval fee of \$10 per trap. Traps recovered under this program become the property of the FWCC or its contract agent and must be destroyed or resold to the original owner. The revenue from retrieval fees is deposited into the Marine Resources Conservation Trust Fund and is used solely for operation of the trap retrieval program.

Payment of all assessed retrieval fees must be received by the FWCC prior to renewal of the trap owner's saltwater products license and stone crab and or crawfish endorsements. Retrieval fees assessed under this program stand in lieu of other penalties imposed for such trap violations.

### EFFECT OF PROPOSED CHANGES

#### Blue Crabs

The bill amends s. 370.135, F.S., to create new "endorsement fees" for blue crabs. The taking of blue crabs is currently regulated by the FWCC under Rule Chapter 68B-45, F.A.C. The new fees are:

- \$125 for taking hard-shell blue crabs;
- \$250 for taking soft-shell blue crabs;
- \$125 for a nontransferable blue crab endorsement;
- \$25 for an incidental take blue crab endorsement.

The bill requires that \$25 of the new endorsement fees for the hard-shell, soft-shell and nontransferable blue crab endorsement be used for the trap retrieval program.

The bill also requires an annual fee of 50 cents for each blue crab trap tag. The fee for replacement tags that have been lost or damaged is also 50 cents plus the cost of shipping.

The bill allows the FWCC to establish by rule an amount of "equitable rent" that the FWCC may recover from blue crab trap owners for their enhanced access to the state's natural resources. In making a decision whether to impose the equitable rent and in determining the amount charged, the FWCC is permitted to consider the amount of revenues generated each year by endorsement fees, trap tags, replacement tags, trap retrieval fees, and the continued economic viability of the commercial blue crab industry.

All the funds from fees, penalties and equitable rent relating to the blue crab program are to be deposited in the Marine Resources Conservation Trust Fund. No more than 50 percent of the revenues may be used for the operation and administration of the blue crab program.

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<sup>7</sup> Rule 68B-55, F.A.C.



The bill provides penalties for untagged blue crab traps. The first violation of the requirements for trap tags will subject the violator to an administrative penalty of up to \$1,000 and the blue crab fishing privileges may be suspended for the remainder of the current license year. Subsequent violations will subject the violator to increasing administrative penalties up to \$5,000 and increasing terms of suspension of blue crab fishing privileges.

The bill restates current language with regard to criminal and administrative penalties for blue crab trap theft and molestation, and for bartering trading, selling or leasing and forging trap tags. Any person convicted of fraudulently reporting the actual value of transferred blue crab endorsements may have his/her blue crab endorsements automatically suspended or revoked by the FWCC. If an endorsement is permanently revoked, the FWCC must also permanently deactivate the endorsement holder's blue crab trap tag accounts. All traps subject to a suspended or revoked endorsement must be removed from the water within 15 days from notice by the FWCC. Failure to do so will result in a 6 month extension of the suspension or revocation.

The bill appropriates \$120,000 from the commercial saltwater license revenues in the Marine Resources Conservation Trust Fund in order to pay for the program costs and the cost of blue crab trap tags for the 2006-2007 fiscal year. There is also appropriated \$12,000 from the Marine Resources Conservation Trust Fund for the operational and administrative costs of the Blue Crab Advisory Board.

#### Spiny Lobster

The bill provides that any person who receives a judicial disposition other than an acquittal or dismissal for a violation of the prohibitions against forging or bartering spiny lobster trap tags or certificates (Subparagraph 370.142(2)(c)5, F.S.) during any period of time while a trap number is under suspension or revocation shall be assessed an administrative penalty of up to \$5,000, and the person's crawfish endorsement may be suspended for up to 24 months.

#### Trap Retrieval Program

The bill amends s. 370.143, F.S., relating to the trap retrieval program, to add traps for blue crabs and black sea bass to the types of traps that fall under the current program for spiny lobsters and stone crabs.

#### C. SECTION DIRECTORY:

- Section 1. Amends s. 370.135, F.S., to address fees, penalties, and equitable rent relating to blue crab traps.
- Section 2. Provides appropriations for the blue crab trap tag program and the Blue Crab Advisory Board.
- Section 3. Amends s. 370.142, F.S., to provide for administrative penalties relating to the spiny lobster trap certificate program.
- Section 4. Amends s. 370.143, F.S., to add blue crabs and black sea bass to the trap retrieval program.
- Section 5. Provides an effective date of July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

	<u>(FY 06-07)</u> <u>Amount / FTE</u>	<u>(FY 07-08)</u> <u>Amount / FTE</u>	<u>(FY 08-09)</u> <u>Amount / FTE</u>
A. Recurring:			
Marine Resources Conserv TF			
Commercial Blue Crab Endorse	\$ 138,500	\$ 138,500	\$ 138,500
Trap Tags	<u>-0-</u>	<u>430,275</u>	<u>430,275</u>
Total	\$ 138,500	\$ 568,775	\$ 568,775

#### B. Non-Recurring

#### 2. Expenditures:

A. Recurring:			
a. Licensing & Permitting-Expenses (Blue Crab Trap Tag costs and Program costs)	\$ 120,000	\$ 120,000	\$ 120,000
b. Marine Fisheries Mgt-Expenses (Operation & administration of the Blue Crab Advisory Board)	12,000	12,000	12,000
c. (Trap retrieval, research, public education, enforcement activities)	<u>-0-</u>	<u>436,775</u>	<u>436,775</u>
Total	\$ 132,000	\$ 568,775	\$ 568,775

#### B. Non-Recurring

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None

#### 2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Commercial blue crab fishers will be assessed an annual fee for the blue crab endorsement (\$125 for hard shell crab endorsement; \$250 for a soft shell crab endorsement; \$125 for a non-transferable blue crab endorsement; or \$25 for the blue crab incidental take endorsement) and \$0.50 for each trap tag received.

**D. FISCAL COMMENTS:**

None

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

**2. Other:**

Pursuant to Article IV, Section 9 of the Florida Constitution, the FWCC has the authority to exercise the regulatory and executive powers of the state with respect to fresh water aquatic life, marine life, and wild animal life. However, this Constitutional provision requires that "all license fees for taking wild animal life, fresh water aquatic life and marine life and penalties for violating regulations of the commission shall be prescribed by general law." The fees and penalties provided by the bill appear to be consistent with this constitutional requirement.

**B. RULE-MAKING AUTHORITY:**

The bill allows the FWCC to establish by rule an amount of "equitable rent" that the FWCC may recover from blue crab trap owners for their enhanced access to the state's natural resources.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

N/A

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1                                   A bill to be entitled  
2       An act relating to saltwater fisheries; amending s.  
3       370.135, F.S.; establishing certain endorsement fees for  
4       the taking of blue crabs; establishing an annual trap tag  
5       fee; authorizing the Fish and Wildlife Conservation  
6       Commission to establish by rule an amount of equitable  
7       rent for access to state natural resources; requiring  
8       approval of such rule by the Governor and Cabinet;  
9       requiring the deposit of certain proceeds into the Marine  
10      Resources Conservation Trust Fund; specifying the use of  
11      such proceeds; providing administrative penalties for  
12      certain violations; prohibiting the unauthorized  
13      possession of trap gear or removal of trap contents and  
14      providing penalties therefor; providing penalties for  
15      certain other prohibited activities relating to traps,  
16      lines, buoys, and trap tags; providing penalties for  
17      fraudulent reports related to endorsement transfers;  
18      prohibiting certain activities during endorsement  
19      suspension and revocation; preserving state jurisdiction  
20      for certain convictions; providing requirements for  
21      certain license renewal; appropriating certain fee  
22      revenues to the commission for blue crab effort management  
23      program costs; requiring the commission to create an  
24      advisory board; amending s. 370.142, F.S.; providing  
25      administrative penalties for certain violations of the  
26      spiny lobster trap certificate program; amending s.  
27      370.143, F.S.; revising provisions for certain trap  
28      retrieval programs and fees; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 370.135, Florida Statutes, is amended, and subsections (3), (4), and (5) are added to that section, to read:

370.135 Blue crab; regulation.--

(1) No person, firm, or corporation shall transport on the water, fish with or cause to be fished with, set, or place any trap designed for taking blue crabs unless such person, firm, or corporation is the holder of a valid saltwater products license issued pursuant to s. 370.06 and the trap has a current state number permanently attached to the buoy. The trap number shall be affixed in legible figures at least 1 inch high on each buoy used. The saltwater products license must be on board the boat, and both the license and the crabs shall be subject to inspection at all times. Only one trap number may be issued for each boat by the commission upon receipt of an application on forms prescribed by it. This subsection shall not apply to an individual fishing with no more than five traps. ~~It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully to molest any traps, lines, or buoys, as defined herein, belonging to another without the express written consent of the trap owner. Any person receiving a judicial disposition other than dismissal or acquittal on a charge of willful molestation of a trap, in addition to the penalties specified in s. 370.021, shall lose all saltwater fishing privileges for a period of 24 calendar~~

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~~months. It is unlawful for any person to remove the contents of  
or take possession of another harvester's trap without the  
express written consent of the trap owner available for  
immediate inspection. Unauthorized possession of another's trap  
gear or removal of trap contents constitutes theft. Any person  
receiving a judicial disposition other than dismissal or  
acquittal on a charge of theft of or from a trap pursuant to  
this section or s. 370.1107 shall, in addition to the penalties  
specified in s. 370.021 and the provisions of this section,  
permanently lose all his or her saltwater fishing privileges  
including his or her saltwater products license and blue crab  
endorsement. In such cases endorsements, landings history, and  
trap certificates are nontransferable. In addition, any person,  
firm, or corporation receiving a judicial disposition other than  
dismissal or acquittal for violating this subsection or s.  
370.1107 shall also be assessed an administrative penalty of up  
to \$5,000. Immediately upon receiving a citation for a violation  
involving theft of or from a trap and until adjudicated for such  
a violation, or receiving a judicial disposition other than  
dismissal or acquittal for such a violation, the person, firm,  
or corporation committing the violation is prohibited from  
transferring any blue crab endorsements, landings history, or  
trap certificates.~~

(3) (a) Endorsement fees.--

1. The fee for a hard-shell blue crab endorsement for the  
taking of hard-shell blue crabs, as required by rule of the  
commission, is \$125, \$25 of which must be used solely for trap

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84 retrieval under s. 370.143 and rule 68B-55, Florida  
85 Administrative Code.

86 2. The fee for a soft-shell blue crab endorsement for the  
87 taking of soft-shell blue crabs, as required by rule of the  
88 commission, is \$250, \$25 of which must be used solely for trap  
89 retrieval under s. 370.143 and rule 68B-55, Florida  
90 Administrative Code.

91 3. The fee for a nontransferable blue crab endorsement for  
92 the taking of hard-shell blue crabs, as required by rule of the  
93 commission, is \$125, \$25 of which must be used solely for trap  
94 retrieval under s. 370.143 and rule 68B-55, Florida  
95 Administrative Code.

96 4. The fee for an incidental-take blue crab endorsement  
97 for the taking of blue crabs as bycatch in shrimp trawls and  
98 stone crab traps, as established by commission rule, is \$25.

99 (b) Trap tag fees.--For each trap tag issued by the  
100 commission under the requirements of the blue crab effort  
101 management program established by commission rule, there is an  
102 annual fee of 50 cents per tag. The fee for replacement tags for  
103 lost or damaged tags is 50 cents each plus shipping, except that  
104 the commission shall either temporarily defer or permanently  
105 waive fees for replacement tags for traps lost in the event of a  
106 major natural disaster declared as an emergency by the Governor  
107 in any area of massive trap losses within the designated  
108 disaster area.

109 (c) Equitable rent.--The commission may establish by rule  
110 an amount of equitable rent that may be recovered as partial  
111 compensation to the state for the enhanced access to its natural

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resources. In determining whether to establish such a rent and the amount thereof, the commission may consider the amount of revenues annually generated by endorsement fees, trap tag fees, replacement trap tag fees, trap retrieval fees, and the continued economic viability of the commercial blue crab industry. Final approval of such a rule shall be by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

(d) Disposition of fees, surcharges, civil penalties and fines, and equitable rent.--Endorsement fees, trap tag fees, civil penalties and fines, replacement trap tag fees, trap retrieval fees, and equitable rent, if any, shall be deposited in the Marine Resources Conservation Trust Fund. Not more than 50 percent of the revenues generated under this section may be used for the operation and administration of the blue crab effort management program. The remaining revenues generated under this section shall be used for trap retrieval, management of the blue crab fishery, public education activities, research, and enforcement activities in support of the blue crab effort management program.

(4) (a) Untagged trap penalties.--In addition to any other penalties provided in s. 370.021 for any person, firm, or corporation that violates rule 68B-45.007(6)(b), Florida Administrative Code, the following administrative penalties apply:

1. For a first violation, the commission shall assess an administrative penalty of up to \$1,000 and the blue crab



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139 endorsement holder's blue crab fishing privileges may be  
140 suspended for the remainder of the current license year.

141 2. For a second violation that occurs within 24 months  
142 after any previous such violation, the commission shall assess  
143 an administrative penalty of up to \$2,000 and the blue crab  
144 endorsement holder's blue crab fishing privileges may be  
145 suspended for 12 calendar months.

146 3. For a third violation that occurs within 36 months  
147 after any two previous such violations, the commission shall  
148 assess an administrative penalty of up to \$5,000 and the blue  
149 crab endorsement holder's blue crab fishing privileges may be  
150 suspended for 24 calendar months.

151 4. A fourth violation that occurs within 48 months after  
152 any three previous such violations shall result in permanent  
153 revocation of all of the violator's saltwater fishing  
154 privileges, including having the commission proceed against the  
155 endorsement holder's saltwater products license in accordance  
156 with s. 370.021.

157  
158 Any person assessed an administrative penalty under this  
159 paragraph shall, within 30 calendar days after notification, pay  
160 the administrative penalty to the commission or request an  
161 administrative hearing under ss. 120.569 and 120.57. The  
162 proceeds of all administrative penalties collected under this  
163 paragraph shall be deposited in the Marine Resources  
164 Conservation Trust Fund.

165 (b) Trap theft; prohibitions and penalties.--It is  
166 unlawful for any person to remove or take possession of the

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167 contents of another harvester's trap without the express written  
168 consent of the trap owner, which must be available for immediate  
169 inspection. Unauthorized possession of another harvester's trap  
170 gear or removal of trap contents constitutes theft. Any person  
171 convicted of theft of or from a trap pursuant to this paragraph  
172 shall, in addition to the penalties specified in s. 370.021 and  
173 the provisions of this section, permanently lose all of his or  
174 her saltwater fishing privileges, including saltwater products  
175 licenses, blue crab endorsements, and all trap tags allotted to  
176 him or her by the commission. In such cases, endorsements are  
177 nontransferable. In addition, any person, firm, or corporation  
178 convicted of a violation of this paragraph shall also be  
179 assessed an administrative penalty of up to \$5,000. Immediately  
180 upon receiving a citation for a violation involving theft of or  
181 from a trap and until adjudicated for such a violation or upon  
182 receipt of a judicial disposition other than dismissal or  
183 acquittal on such a violation, the violator is prohibited from  
184 transferring any blue crab endorsement.

185 (c) Criminal activities.--Any person, firm, or corporation  
186 convicted of violating commission rules that prohibit any of the  
187 following commits a felony of the third degree, punishable as  
188 provided in s. 775.082, s. 775.083, or s. 775.084:

189 1. The willful molestation of any blue crab trap, line, or  
190 buoy that is the property of any licenseholder, without the  
191 permission of that licenseholder.

192 2. The bartering, trading, leasing, or sale, or conspiring  
193 or aiding in such barter, trade, lease, or sale, or supplying,  
194 agreeing to supply, aiding in supplying, or giving away blue

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crab trap tags unless the action is duly authorized by the  
commission as provided by commission rules.

3. The making, altering, forging, counterfeiting, or  
reproducing of blue crab trap tags.

4. Possession of altered, forged, counterfeit, or  
imitation blue crab trap tags.

5. Possession of commission-issued original trap tags and  
commission-issued replacement trap tags, the sum of which  
exceeds by 1 percent the number of traps allowed by rule of the  
commission.

6. Engaging in the commercial harvest of blue crabs during  
the time the licenseholder's blue crab endorsements are under  
suspension or revocation.

Any person, firm, or corporation convicted of a violation of  
this paragraph shall be assessed an administrative penalty of up  
to \$5,000, and all of the blue crab endorsements possessed by  
the person, firm, or corporation may be suspended for up to 24  
calendar months. Immediately upon receiving a citation involving  
a violation of this paragraph and until adjudicated for such a  
violation, or if convicted of such a violation, the person,  
firm, or corporation committing the violation is prohibited from  
transferring any blue crab endorsements.

(d) Endorsement transfers; fraudulent reports;  
penalties.--For any person, firm, or corporation convicted of  
fraudulently reporting the actual value of transferred blue crab  
endorsements, the commission may automatically suspend or  
permanently revoke the seller's or the purchaser's blue crab

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endorsements. If the endorsement is permanently revoked, the  
commission shall also permanently deactivate the endorsement  
holder's blue crab trap tag accounts.

(e) Prohibitions during endorsement suspension and  
revocation.--During any period of suspension or revocation of a  
blue crab endorsement holder's endorsements, he or she shall,  
within 15 days after notice provided by the commission, remove  
from the water all traps subject to that endorsement. Failure to  
do so shall extend the period of suspension or revocation for an  
additional 6 calendar months.

(5) For purposes of this section, a conviction is any  
disposition other than acquittal or dismissal.

(6) An endorsement may not be renewed until all fees and  
administrative penalties imposed under this section are paid.

Section 2. In order to implement the blue crab effort  
management program pursuant to s. 370.135(3)(b), Florida  
Statutes, including the creation of the Blue Crab Advisory Board  
by commission rule, there is appropriated from the commercial  
saltwater license fee revenues in the Marine Resources  
Conservation Trust Fund to the Office of Licenses and Permits in  
the Fish and Wildlife Conservation Commission the sum of  
\$120,000 for program cost and the cost of blue crab trap tags  
for the fiscal year 2006-2007, and there is appropriated from  
the commercial saltwater license fee revenues in the Marine  
Resources Conservation Trust Fund to the Division of Marine  
Fisheries Management an additional sum of \$12,000 for the  
operational and administrative costs of the Blue Crab Advisory  
Board.

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Section 3. Paragraph (c) of subsection (2) of section 370.142, Florida Statutes, is amended to read:

370.142 Spiny lobster trap certificate program.--

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.--The Fish and Wildlife Conservation Commission shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(c) Prohibitions; penalties.--

1. It is unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined in rule 68B-24.006(2), Florida Administrative Code.

2. It is unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. It is unlawful for any person to willfully molest, take possession of, or remove the contents of another harvester's trap without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft. Any person receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap pursuant to this subparagraph or s. 370.1107 shall, in addition to the penalties specified in ss. 370.021 and 370.14 and the

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provisions of this section, permanently lose all his or her saltwater fishing privileges, including his or her saltwater products license, crawfish endorsement, and all trap certificates allotted to him or her through this program. In such cases, trap certificates and endorsements are nontransferable. Any person receiving a judicial disposition other than dismissal or acquittal on a charge of willful molestation of a trap, in addition to the penalties specified in ss. 370.021 and 370.14, shall lose all saltwater fishing privileges for a period of 24 calendar months. In addition, any person, firm, or corporation charged with violating this paragraph and receiving a judicial disposition other than dismissal or acquittal for violating this subparagraph or s. 370.1107 shall also be assessed an administrative penalty of up to \$5,000. Immediately upon receiving a citation for a violation involving theft of or from a trap, or molestation of a trap, and until adjudicated for such a violation or, upon receipt of a judicial disposition other than dismissal or acquittal of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any crawfish trap certificates and endorsements.

4. In addition to any other penalties provided in s. 370.021, a commercial harvester, as defined by rule 68B-24.002(1), Florida Administrative Code, who violates the provisions of this section, or the provisions relating to traps of chapter 68B-24, Florida Administrative Code, shall be punished as follows:

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a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the commission shall assess an additional civil penalty of up to \$1,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year. For all other first violations, the commission shall assess an additional civil penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission shall assess an additional civil penalty of up to \$2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1., subparagraph 2., or subparagraph 3. which occurs within 36 months of any previous two such violations, the commission shall assess an additional civil penalty of up to \$5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(h).

d. Any person assessed an additional civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the commission; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

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e. The commission shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d.

5.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his or her possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade, sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the commission as provided in this chapter or in the rules of the commission.

6.a. Any person who violates the provisions of subparagraph 5., or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or (6) or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to subparagraph a., the commission shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in



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subparagraph (a)1., on any person who violates the provisions of sub-subparagraph 5.c.

c. In addition to any penalty imposed pursuant to sub-subparagraph a., any person receiving any judicial disposition other than acquittal or dismissal for a violation of subparagraph 5. shall be assessed an administrative penalty of up to \$5,000, and the crawfish endorsement under which the violation was committed may be suspended for up to 24 calendar months. Immediately upon issuance of a citation involving a violation of subparagraph 5. and until adjudication of such a violation, and after receipt of any judicial disposition other than acquittal or dismissal for such a violation, the person holding the crawfish endorsement listed on the citation is prohibited from transferring any spiny lobster trap certificates.

7. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the commission. During any period of trap reduction, any certificates reverting to the commission shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the commission are to be reallocated in such manner as provided by the commission.

8. The proceeds of all civil penalties collected pursuant to subparagraph 4. and all fines collected pursuant to sub-subparagraph 6.b. shall be deposited into the Marine Resources Conservation Trust Fund.

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9. All traps shall be removed from the water during any period of suspension or revocation.

Section 4. Subsections (1), (2), and (3) of section 370.143, Florida Statutes, are amended to read:

370.143 Retrieval of spiny lobster, ~~crawfish~~, and stone crab, blue crab, and black sea bass traps during closed season; commission authority; fees.--

(1) The Fish and Wildlife Conservation Commission is authorized to implement a trap retrieval program for retrieval of spiny lobster, ~~crawfish~~, and stone crab, blue crab, and black sea bass traps remaining in the water during the closed season for each species. The commission is authorized to contract with outside agents for the program operation.

(2) A retrieval fee of \$10 per trap retrieved shall be assessed trap owners. However, for each person holding a spiny lobster endorsement, ~~crawfish stamp number~~ or a stone crab endorsement, or a blue crab endorsement issued under rule of the commission, the retrieval fee shall be waived for the first five traps retrieved. Traps recovered under this program shall become the property of the commission or its contract agent, as determined by the commission, and shall be either destroyed or resold to the original owner. Revenue from retrieval fees shall be deposited in the Marine Resources Conservation Trust Fund and used solely for operation of the trap retrieval program.

(3) Payment of all assessed retrieval fees shall be required prior to renewal of the trap owner's saltwater products license and ~~stone crab and or crawfish endorsements~~. Retrieval

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415 | fees assessed under this program shall stand in lieu of other  
416 | penalties imposed for such trap violations.

417 |       Section 5. This act shall take effect July 1, 2006.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1241

Caloosahatchee-St. Lucie Rivers Corridor Advisory Council

**SPONSOR(S):** Williams

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2586

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Water &amp; Natural Resources Committee</u>		Winker <i>RW</i>	Lotspeich <i>ML</i>
2) <u>Agriculture &amp; Environment Appropriations Committee</u>			
3) <u>State Resources Council</u>			
4) _____			
5) _____			

### SUMMARY ANALYSIS

The bill creates the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council under the Department of Environmental Protection for the purpose of holding meetings and public hearings to collect public comments and information, and review the operation and management of Lake Okeechobee and the associated water discharges from the lake into the two rivers and their estuaries.

The bill requires the Advisory Council to develop recommendations related to the following:

- Projects, programs, and regulations addressing or mitigating the impacts of high level water discharges from Lake Okeechobee into the waters of the Caloosahatchee River, the St. Lucie Canal, and the St. Lucie River and their estuaries.
- Projects and plans related to the Lake Okeechobee Protection Program and the Comprehensive Everglades Restoration Plan.
- Projects to remove accumulated sediments from Lake Okeechobee.
- Alternative treatment strategies, projects, best management practices, and funding sources to more effectively manage the hydrology of the lake and the two rivers.
- Identifying and securing long-term funding for implementing projects and programs identified by the Advisory Council.

The bill requires the Advisory Council to submit the following two reports:

- A report to the President of the Senate and the Speaker of the House of Representatives prior to the 2007 regular session of the Legislature for implementation of projects and strategies to mitigate the effects of high water discharges from Lake Okeechobee into the two rivers.
- A report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007 with recommendations for implementation by the Legislature and the Governor that will mitigate the ecological effects upon the rivers and their corridors and stabilize the effect of high water discharges from Lake Okeechobee upon the tourist economy of Southwest and Southeast Florida.

The bill abolishes the advisory commission on April 1, 2007.

The bill becomes effective upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1241.WNR.doc

**DATE:** 3/14/2006

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### **Lake Okeechobee**

Lake Okeechobee (Lake) and its watershed are major components of the south Florida's Kissimmee-Okeechobee-Everglades ecosystem. The Lake is the second largest freshwater body of water located entirely within the continental United States. The Lake serves multiple purposes and functions including recreational and commercial fishery, a habitat for flora and fauna, a source for drinking water for surrounding cities and towns including being a backup source for water for communities along the lower east coast of Florida, a source of irrigation water for the regional agricultural community, and a major supplier of water for the Everglades.

Throughout the 20th Century, much of the land around the Lake was converted to agricultural use with dairy farms and cattle ranches being primary users of the lands north of the Lake and sugar cane and vegetable farms occupying the lands south of the Lake. These activities have rapidly increased the amounts of nutrient (nitrogen and phosphorus) inputs to the Lake. Over the past several decades, numerous programs and projects have been implemented for the purpose of reducing the amounts of nutrients flowing into and contained within the Lake.

In the 1920's, two major hurricanes struck south Florida with one of them producing a storm surge in the Lake that flooded coastal areas and acreage to the south of the Lake, killing about 2,000 people. As a result, at the request of the State, Congress directed the U.S. Army Corps of Engineer to address the flooding issue and subsequently constructed the Herbert Hoover Dike, which is an earthen levee surrounding the Lake's perimeter. In addition, the U. S. Army Corps of Engineers has adopted a "regulation schedule" which determines the timing and volume of water to be released from the Lake in order to prevent a breach of the Hoover Dike,

According to the South Florida Water Management District (SFWMD), because high phosphorous loads have occurred over several decades, a large amount of phosphorous has accumulated at the bottom of the Lake in the form of soft organic mud. Because of the Lake's shallow depth (averaging 9 feet), the mud is mixed into the water every time strong winds blow across the surface of the Lake, keeping phosphorous levels high in the Lake. Such internal phosphorous loads have reached the same levels as external loads coming from the watershed to the Lake.

##### **St. Lucie River**

The St. Lucie Estuary and River watershed are located on the central coast of Florida with the watershed covering about 780 square miles. The St. Lucie River's headwaters lie between the lands west of Ft. Pierce in St. Lucie County to near the north boundary of Jonathan Dickinson State Park in Martin County. The south fork of the St. Lucie River connects with the cross state Okeechobee Waterway which was built by the U.S. Army Corps of Engineers and completed in 1937.

The purpose of the Okeechobee Waterway is to provide a means for releasing water from Lake Okeechobee when the level of the Lake reaches flooding stages. As water is released from the Lake, the Lake water's quality along with sediment from the banks of the waterway and pollutants for stormwater runoff all have negative effects on the water quality of the St. Lucie River.

## Caloosahatchee River

The Caloosahatchee River and Estuary are located on the Southwest coast of Florida. The Caloosahatchee River connects Lake Okeechobee to the Caloosahatchee Estuary. The river was originally a shallow meandering stream, which has gone through numerous dredging and rechannelization projects over a long period of time. In the early 1930s locks and water control structures were constructed on the river. Some of these locks act as salinity barriers, since the river is composed of fresh water (entering the river at Lake Okeechobee) and salt water as it empties its waters into the Gulf of Mexico. Dredging and channelization of the river, as well as its artificial connection to the Lake and the Lake's use as a water supply for urban and agricultural uses, have drastically altered the hydrology of the river.

## Comprehensive Everglades Restoration Plan

The Comprehensive Everglades Restoration Plan (CERP) is a large, comprehensive, long-term project to restore the Everglades in terms of the quantity, quality, timing, and distribution of water to the Everglades ecosystem. The goal of CERP is to restore, preserve, and protect South Florida's ecosystem, and to provide for other water-related needs of the region, including water supply and flood protection.

According to the 2006 South Florida Environmental Report by SFWMD, total anticipated expenditures for CERP projects in FY 2006 are about \$442 million. In FY 2005, land acquisitions for CERP and CERP-related projects were 1,211,704 acres, which is more than 50% of the land projected to be acquired for CERP. In 2004, eight ecosystem restoration CERP projects were accelerated at an estimated cost of \$1.5 billion with construction to begin in fiscal years 2006-07.

## Lake Okeechobee Protection Program

In 2000, the Legislature created the Lake Okeechobee Protection Program (s. 373.4595, F.S.) requiring the SFWMD, the Department of Agriculture and Consumer Services, and the Department of Environmental Protection to implement programs and projects that will restore the Lake and its watershed. The Legislature determined that improving the hydrology and water quality of the Lake is essential to the restoration and protection of the Everglades and that it is "imperative for the state, local governments, and agricultural and environmental communities to commit to restoring and protecting (the Lake) and downstream receiving waters." The Legislature also determined that phosphorous loads from the Lake Okeechobee watershed have contributed to excessive phosphorous levels in the Lake and downstream receiving waters and that a "reduction in the levels of phosphorous levels will benefit the ecology of these systems."

## Conditions and Release of Water from Lake Okeechobee

Section 373.4595(5), F.S., prohibits the SFWMD for diverting waters from the Lake to the St. Lucie River, the Indian River estuary, the Caloosahatchee River and its estuary, or the Everglades National Park "in such a way that the state water quality standards are violated, that the nutrients in such diverted waters adversely affect indigenous vegetation communities or wildlife, or that fresh waters diverted to the St. Lucie River or the Caloosahatchee or Indian River estuaries adversely affect the estuarine vegetation or wildlife, unless the receiving waters will biologically benefit by the diversion. However, diversion of waters from the Lake is permitted when an emergency is declared by the SFWMD if the Secretary of the Department of Environmental Protection concurs."

The SFWMD in collaboration with the U.S. Army Corps of Engineer has developed a "regulation schedule" for the Lake designed to provide floodwater storage capacity during the wet season and to supplement water supply during the dry season. However, when Lake water levels are extremely high, water discharges are sent through canals to the St. Lucie and Caloosahatchee estuaries in order to prevent a breach of the Hoover Dike.

The 2006 South Florida Environmental Report, by SFWMD provides an update on the status of the Lake and the need to divert waters out of the Lake. During August-October 2004, the Lake received a large volume of water from rainfall and inflows. During this same time period, the Lake received about 83% of the total phosphorous load for the water year. Water levels in the Lake increased by about 6 feet. As a result, it was necessary to reduce water levels in the Lake through discharges into the St. Lucie and Caloosahatchee rivers in order to prevent a possible catastrophic failure of the Hoover Dike.

Effects of the 2004 hurricanes and related windy conditions re-suspended and distributed large amounts of phosphorous-laden sediments throughout the Lake. These sediments significantly reduced the amount of light available to submerged aquatic vegetation and increased the amount of blue-green algae. Also, the Lake experienced excessive phosphorus loads, averaging 540 metric tons per year, which is more than four times higher than the recently established Total Maximum Daily Loads for the Lake, pursuant to the 2000 Lake Okeechobee Protection Act.

As discussed above, an operating schedule for the Lake, jointly established and managed by SFWMD and the U.S. Army Corps of Engineers, determines the extent to which water will be released from the Lake into the downstream ecosystems and watersheds, including the St. Lucie and Caloosahatchee rivers and their estuaries. According to the 2006 Report by SFWMD, the operating schedule is being reassessed with the intent of maintaining the Lake's long-term ecological health and reducing large water discharges from the Lake to downstream ecosystems.

### **Effect of Proposed Changes**

The bill creates the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council under the Department of Environmental Protection for the purpose of holding meetings and public hearings to collect public comments and information and review the operation and management of Lake Okeechobee and the associated water discharges from the lake into the two rivers and their estuaries.

The bill establishes a method and criteria for selecting the 17 members for the Advisory Council.

The Governor appoints the following five members (and appoints the chair of the Advisory Council):

- a consumer;
- an engineer with hydrologic experience in the Caloosahatchee-St. Lucie Rivers Corridor;
- a representative from the agricultural industry;
- a representative of an environmental group; and
- a representative from the business or tourism community in Okeechobee, Martin, or Palm Beach counties.

The President of the Senate appoints the following six members:

- a representative of local government in Lee County;
- a hydrologist with experience in the Caloosahatchee-St. Lucie Rivers Corridor;
- a representative of the agricultural industry;
- a representative of an environmental group;
- a representative from the business or tourism community in Lee or Charlotte county; and
- a member of the Senate.

The Speaker of the House of Representatives appoints the following six members:

- a representative of local government in Martin County;
- a biologist with hydrologic experience in the Caloosahatchee-St. Lucie Rivers Corridor;
- a representative of the agricultural industry;
- a representative of an environmental group;
- a representative from the business or tourism community in Hendry or Glades county; and
- a member of the House of Representatives.



The bill provides for per diem and travel expenses for the members which must hold its first meeting no later than 60 days after the effective date of the act.

The bill provides that the Advisory Council will be staffed by an executive director and other personnel (exempt from career service) selected and hired by the Department of Environmental Protection which may also employ staff and consultants to the Advisory Council. The SFWMD and DEP must each appoint a liaison to work with the executive director and provide expertise and assistance to the Advisory Council.

The bill requires the Advisory Council to develop recommendations related to the following:

- Projects, programs, and regulations addressing or mitigating the impacts of high level water discharges from Lake Okeechobee into the waters of the Caloosahatchee River, the St. Lucie Canal, and the St. Lucie River and their estuaries.
- Projects and plans related to the Lake Okeechobee Protection Program and the Comprehensive Everglades Restoration Plan.
- Projects to remove accumulated sediments from Lake Okeechobee.
- Alternative treatment strategies, projects, best management practices, and funding sources to more effectively manage the hydrology of the lake and the two rivers.
- Identifying and securing long-term funding for implementing projects and programs identified by the Advisory Council.

The bill requires the advisory council to submit the following two reports:

- A report to the President of the Senate and the Speaker of the House of Representatives prior to the 2007 regular Session of the Legislature for implementation of projects and strategies to mitigate the effects of high water discharges from Lake Okeechobee into the two rivers.
- A report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007 with recommendations for implementation by the Legislature and the Governor that will mitigate the ecological effects upon the two rivers and their corridors, and stabilize the effect of high water discharges from Lake Okeechobee upon the tourist economy of Southwest and Southeast Florida.

The bill abolishes the advisory commission on April 1, 2007.

The bill becomes effective upon becoming law.

#### C. SECTION DIRECTORY:

Section 1: Creates the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council under the Department of Environmental Protection.

Section 2: The bill takes effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

Expenditures would be needed to fund the positions of executive director and other staff for the Advisory Council and for per diem and travel expenses for meetings and related activities of the Advisory Council. There is no appropriation specifically provided for in the bill.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Findings and recommendations from the Advisory Council could have a positive fiscal benefit upon the Lake Okeechobee, St. Lucie, and Caloosahatchee rivers regions in terms of enhancing the economy of the regions.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds. Nor does the bill reduce the authority that cities and counties have to raise revenues in the aggregate or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

N/A

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

N/A

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A bill to be entitled

An act relating to the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council; creating the advisory council; providing a definition; providing for appointment of members, per diem and travel expenses, staff, and duties of the advisory council; exempting staff from pt. II of ch. 110, F.S., relating to the Career Service System; requiring recommendations to the Legislature; requiring a report to the Legislature and Governor by a specific date; providing for expiration of the advisory council; providing an effective date.

WHEREAS, the hydrologic basins of the Caloosahatchee River and its estuary and the St. Lucie River and its estuary, including Lake Okeechobee, constitute a single, hydrologically related system, and

WHEREAS, during climatic periods of high rainfall and tropical storms occurring within this system, the high rates of surface water discharge from Lake Okeechobee have significant adverse impacts on the receiving waters of the Caloosahatchee River and the St. Lucie River ecosystems and their estuaries, and

WHEREAS, high concentrations of nutrients and other pollutant-laden discharges that significantly degrade receiving waters have a demonstrable economic effect on the region's very substantial tourist and outdoor recreational economies, as well as the quality of life of the residents of Lee and Martin Counties, and

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WHEREAS, while the Lake Okeechobee Protection Program provides significant safeguards and strategies for protecting and improving water quality discharges into Lake Okeechobee, there is no comprehensive plan for the Caloosahatchee-St. Lucie Rivers Corridor, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Caloosahatchee-St. Lucie Rivers Corridor Advisory Council; membership; meetings; staff.--

(1) For purposes of this act, the hydrologic basins of the Caloosahatchee River and its estuary and the St. Lucie River and its estuary, including Lake Okeechobee, shall be known as the "Caloosahatchee-St. Lucie Rivers Corridor."

(2) There is created the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council under the Department of Environmental Protection consisting of 17 members who shall be appointed as follows:

(a) The Governor shall appoint:

1. One consumer member.

2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in engineering.

3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Okeechobee County, Martin County, or Palm Beach County.

(b) The President of the Senate shall appoint:

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1. One member representing local government in Lee County.

2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in hydrology.

3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Lee County or Charlotte County.

6. One member from the Senate.

(c) The Speaker of the House of Representatives shall appoint:

1. One member representing local government in Martin County.

2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in biology.

3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Hendry County or Glades County.

6. One member from the House of Representatives.

(d) The Governor shall appoint the chair of the advisory council from among its members.

(e) Appointments to the advisory council shall be made no later than 30 days after the effective date of this act.

(f) Each member of the advisory council may receive per diem and travel expenses as provided in s. 112.061, Florida

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84   Statutes, while carrying out the business of the advisory  
85   council.

86       (g) The first meeting of the advisory council shall be  
87   held no later than 60 days after the effective date of this act.

88       (h) The records and meetings of the advisory council are  
89   subject to the provisions of chapter 119 and s. 286.011, Florida  
90   Statutes.

91       (i) The advisory council shall be staffed by an executive  
92   director and other personnel selected and hired by the  
93   Department of Environmental Protection who shall be exempt from  
94   part II of chapter 110, Florida Statutes, relating to the Career  
95   Service System. The Department of Environmental Protection may  
96   employ staff and consultants as necessary to assist the advisory  
97   council in fulfilling its responsibilities. The South Florida  
98   Water Management District and the Department of Environmental  
99   Protection shall each appoint a liaison for the respective  
100   agency to work directly with the executive director of the  
101   advisory council and to provide expertise and assistance to the  
102   advisory council.

103       (3) The duties of the Caloosahatchee-St. Lucie Rivers  
104   Corridor Advisory Council are to:

105       (a) Meet at least five times after August 1, 2006.

106       (b) Hold a minimum of five public hearings within the  
107   Caloosahatchee-St. Lucie Rivers Corridor for the purpose of  
108   receiving public comments and information.

109       (c) Review the operation and management of Lake Okeechobee  
110   and the associated discharges from the lake for the purpose of

111 formulating specific recommendations relating to, but not  
112 limited to:

113 1. Scientifically viable, economically feasible projects,  
114 programs, and regulations that address or mitigate the impacts  
115 of high level discharges from Lake Okeechobee upon the receiving  
116 waters of the Caloosahatchee River and the St. Lucie Canal and  
117 St. Lucie River and their respective estuaries.

118 2. Ongoing projects and plans authorized pursuant to the  
119 Lake Okeechobee Protection Program and the Comprehensive  
120 Everglades Restoration Plan under s. 373.4592, Florida Statutes.

121 3. Environmentally and economically feasible projects to  
122 remove accumulated sedimentation from Lake Okeechobee.

123 4. Alternative treatment strategies, projects, best  
124 management practices, and funding sources to manage more  
125 effectively the hydrology of the corridor to minimize adverse  
126 ecological effects upon the receiving waters from Lake  
127 Okeechobee discharge.

128 5. Long-term funding for implementation of the projects  
129 and programs identified in the report.

130 (4) The advisory council shall prepare and submit a report  
131 and recommendations to the President of the Senate and the  
132 Speaker of the House of Representatives prior to the 2007  
133 Regular Session of the Legislature for implementation of  
134 projects and strategies to mitigate the present effects of high  
135 discharges from Lake Okeechobee upon the described basins.

136 (5) The advisory council shall submit to the Governor, the  
137 President of the Senate, and the Speaker of the House of  
138 Representatives by March 1, 2007, a report with specific

HB 1241

2006

139   recommendations for implementation by the Legislature and the  
 140   Governor that will mitigate ecological effects upon the  
 141   Caloosahatchee-St. Lucie Rivers Corridor and stabilize the  
 142   effect of high discharges from Lake Okeechobee upon the tourist  
 143   economy of Southwest and Southeast Florida.

144       (6) The advisory council shall expire on April 1, 2007.

145       Section 2. This act shall take effect upon becoming a law.





# **OVERVIEW OF SENATE BILL 444**

## **Alternative Water Supply Funding**

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**House Water and Natural Resources Committee**

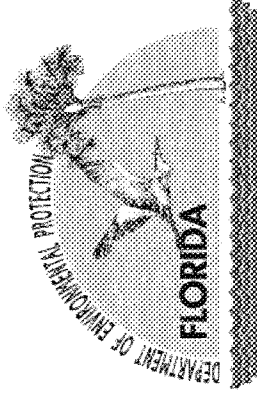
**March 22, 2006**

**Janet G. Llewellyn**

**Deputy Director**

**Division of Water Resource Management**

**Department of Environmental Protection**



# **Overview of Senate Bill 444**

- Enhancements to Regional Water Supply Planning
- Improved Growth/Water Linkage
- New Water Protection and Sustainability Funding Program

# **Overview of Senate Bill 444**

## **Water Protection and Sustainability Program**

- Alternative Water Supply
- Surface Water Improvement and Management (SWIM)
- Total Maximum Daily Loads (TMDLs)
- Disadvantaged Small Community Wastewater Program

# Overview of Senate Bill 444

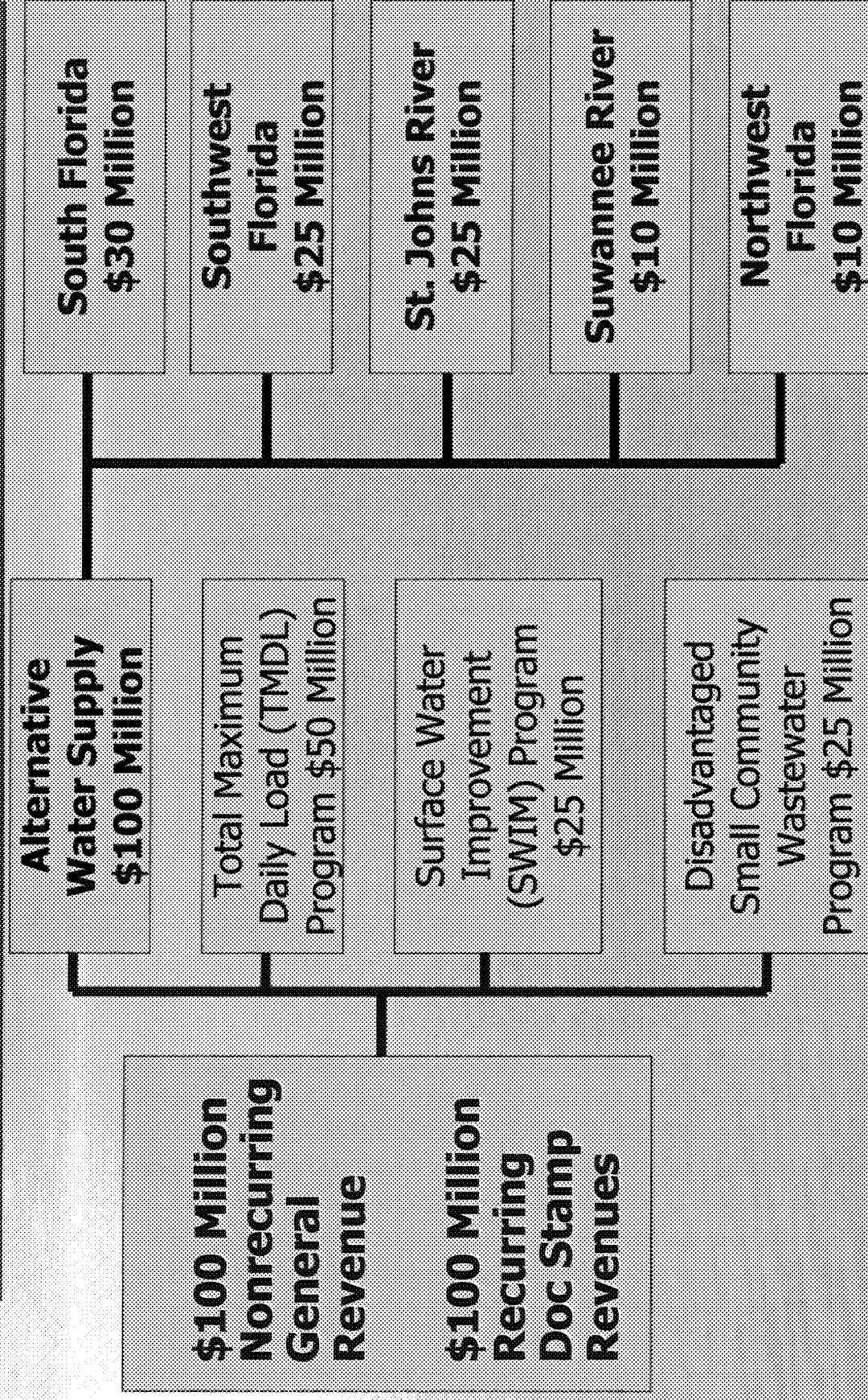
## Alternative Water Supply Funding

- Traditional fresh groundwater supplies nearing sustainable limits in some locations
- Promote transition to alternative sources
  - Sea water
  - Brackish water
  - Reclaimed water
  - New non-traditional surface water sources
- Promote multi-jurisdictional approaches to water supply development



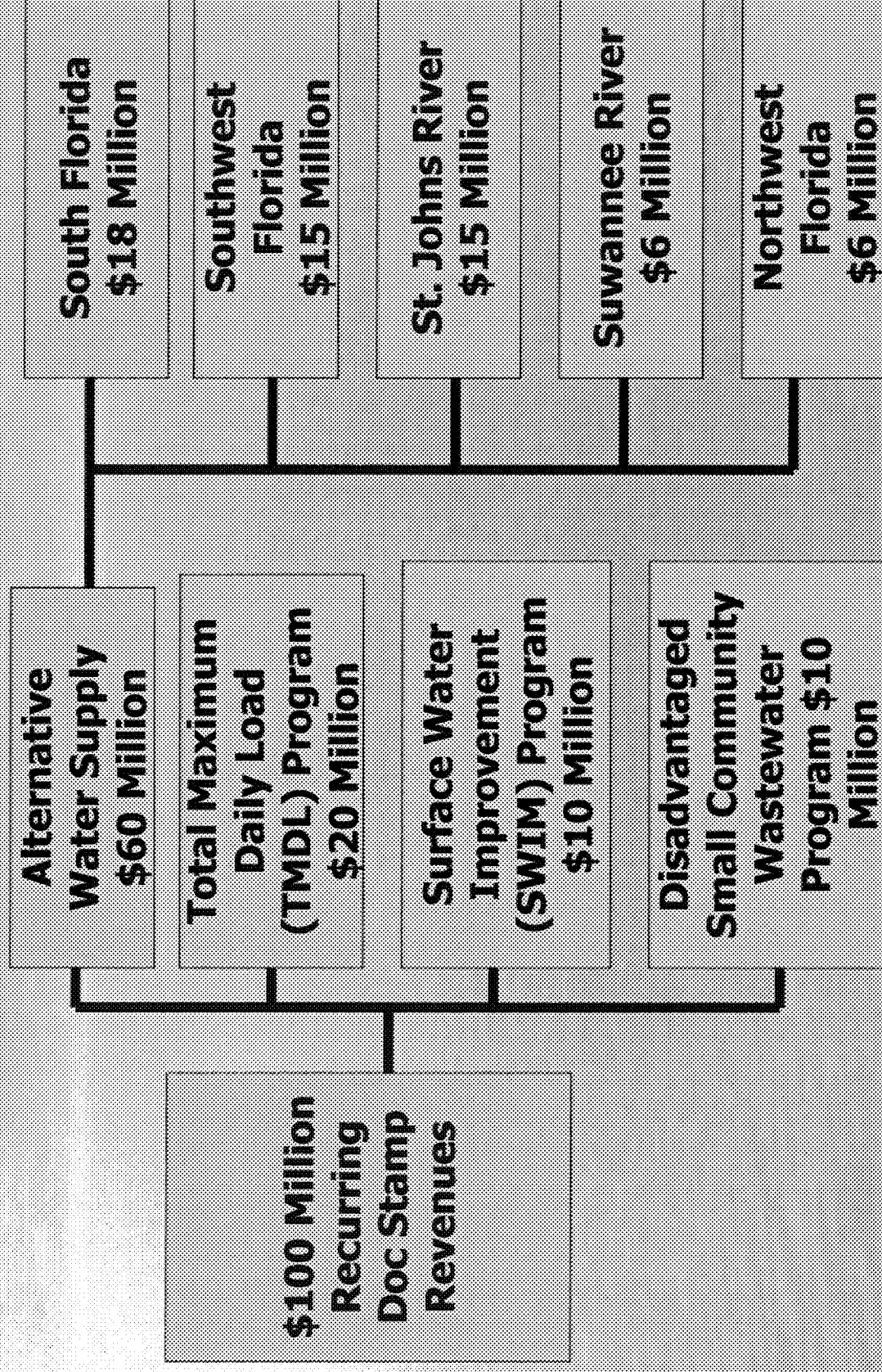
# Water Protection & Sustainability Program

## Funding Fiscal Year 2005-2006



# Water Protection & Sustainability Program

## Future Fiscal Years



# **Overview of Senate Bill 444**

## **WMD Funding for Alternative Water Supplies**

- Goal to match state funding dollar for dollar
- WMD match may include a combination of:
  - Funds added to state funds in grant “pot” for alternative water supply project construction.
  - Funds allocated for water resource development projects that support water supply development
- NWFWM and SRWMD not required to provide match.



# **Overview of Senate Bill 444**

## **What Projects Qualify for Funding?**

- Alternative Water Supply
- Construction Only
- Must be in RWSP (20% of funds may be allocated to projects not in plan if consistent with goals)
- Special provisions in SRWMD, NWFWMMD

# **Overview of Senate Bill 444**

## **Water Supplier Match Required?**

- Water supply entity must provide a minimum 60% match of construction funding.
- Exceptions:
  - Disadvantaged small local governments (Sec. 403.885(4), F.S.).
  - WMD or basin boards may use ad valorem or federal funds to assist in 60% match.

(Sec. 373.1961, F.S.)

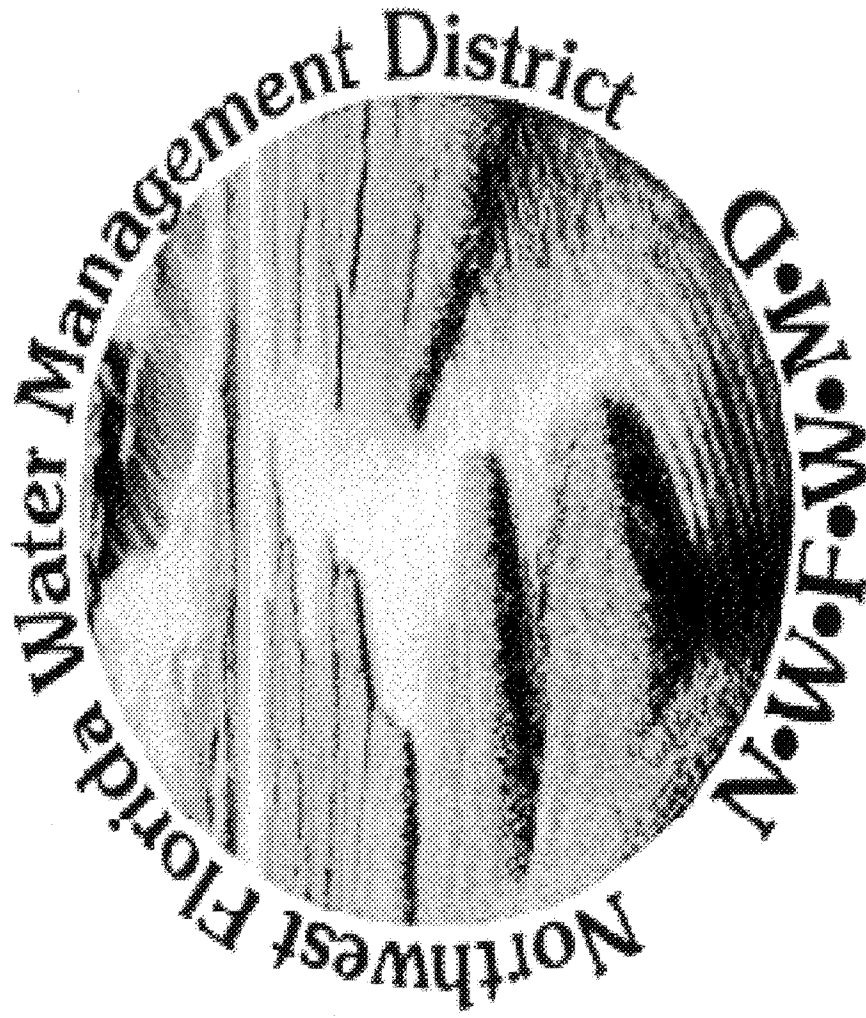
# Alternative Water Supply Funding Projects Selected in FY 2005-2006

<b>Northwest Florida WMD</b>	<b>5 Projects</b> (2 reuse, 3 alternative groundwater source)
<b>Suwannee River WMD</b>	<b>6 Projects</b> (4 reuse, 1 minimum flow and level, 1 springs protection)
<b>St. Johns River WMD</b>	30 Projects (25 reuse, 5 brackish water)
<b>Southwest Florida WMD</b>	<b>19 Projects</b> - \$4.5 million (16 reuse, 2 ASR, 1 reclaimed water ASR) (Three additional large projects eligible for remainder of funds still under discussion)
<b>South Florida WMD</b>	<b>80 Projects</b> (41 reuse, 22 brackish water, 7 ASR, 4 surface storage, 6 other)

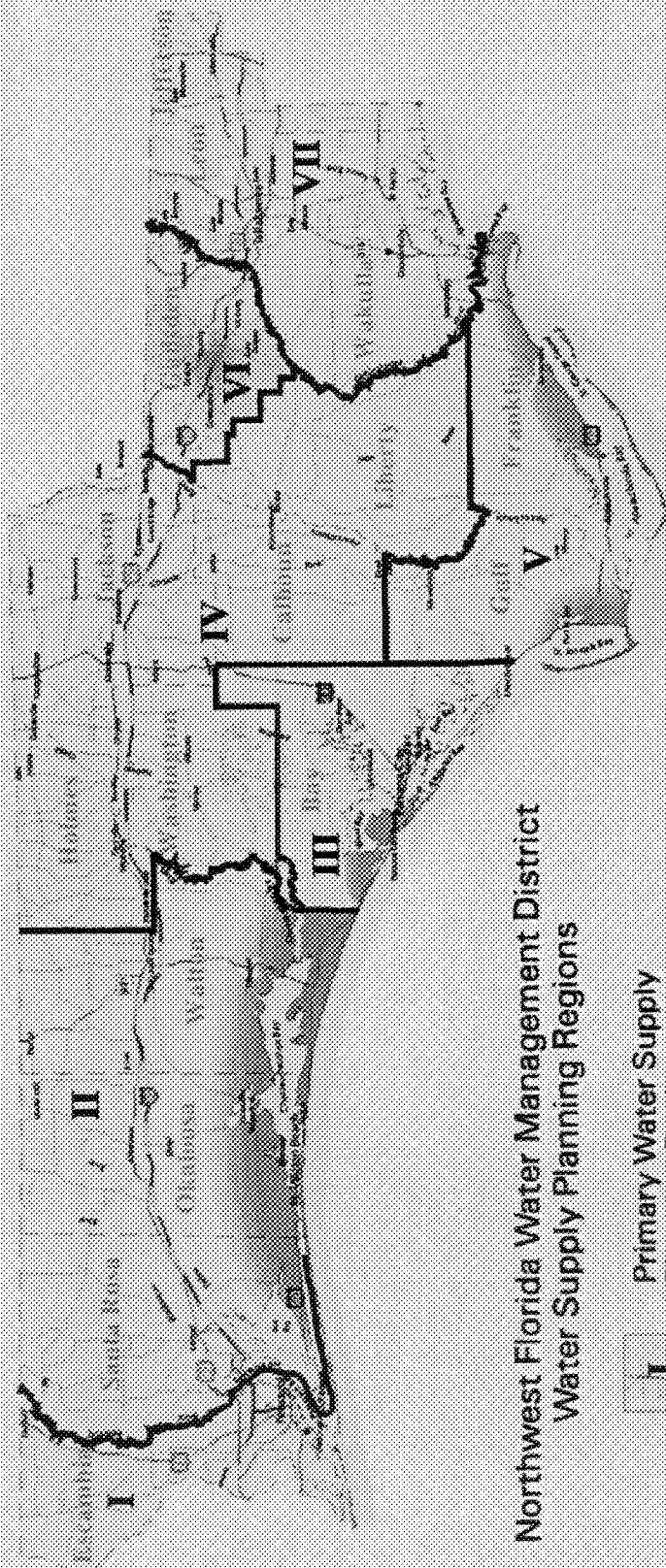
***THANK YOU***





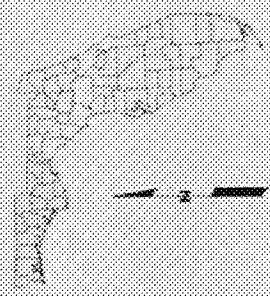
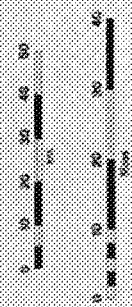


## *Alternative Water Supply*



# Northwest Florida Water Management District Water Supply Planning Regions

- I** Primary Water Supply Planning Region
- Areas of Special Concern



# Northwest Florida Water Management District

## Status of Alternative Water Supplies

2

1

3

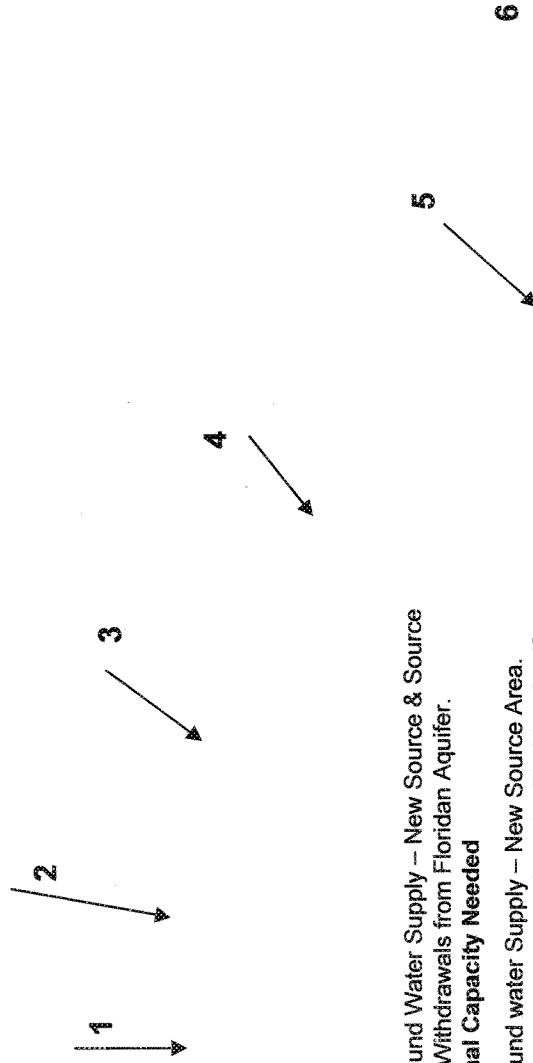
4

5



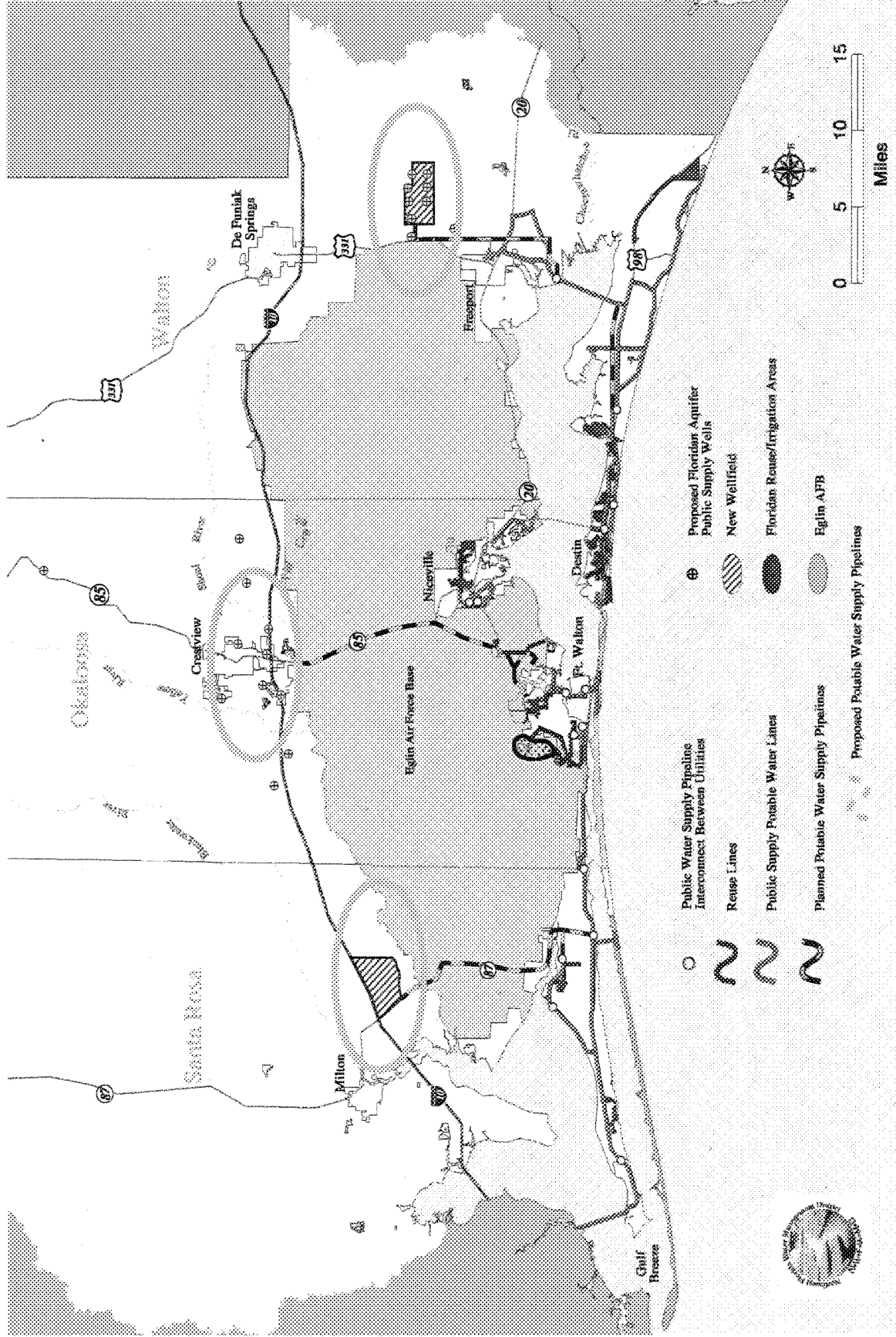
# Northwest Florida Water Management District

## Status of Alternative Water Supplies



- 1) 6.5 MGD Alternative Ground Water Supply – New Source & Source Area. Replaces Coastal Withdrawals from Floridan Aquifer. **In Production. Additional Capacity Needed**
- 2) 3.7 MBD Alternative Ground water Supply – New Source Area. Replaces Portion of Coastal Withdrawals from the Floridan Aquifer. **In Production.**
- 3) 6.5 MGD Alternative Ground Water Supply – New Source Area. Replaces Portion of Coastal Withdrawals From Floridan Aquifer and Provides Water For the Future. **In Production. Additional Capacity Needed**
- 4) 3. 5 MGD Alternative Surface Water Supply – New Source. Replaces Coastal Withdrawals From Floridan Aquifer **In Production.**
- 5) 2.7 MGD Alternative Surface Water Supply – New Source. Replaces Coastal Withdrawals From The Floridan Aquifer. **In Production.**
- 6) Alternative Supply Needed For Coastal Area. **In Progress**

# Alternative Water Supplies in Region II

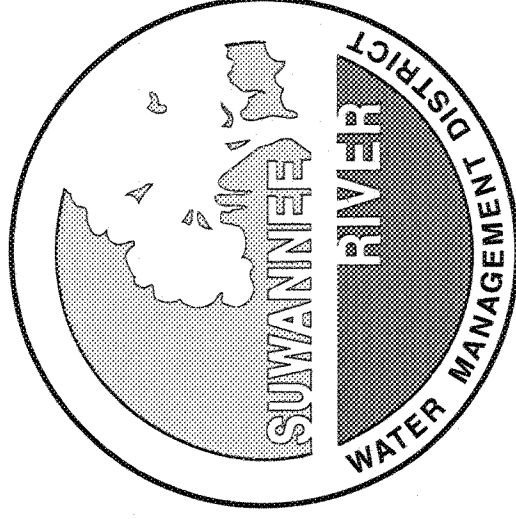


**Senate Bill 444 Funding by Project**  
**(FY 2005/06)**

<b><u>Project</u></b>	<b><u>State</u></b>	<b><u>District</u></b>	<b><u>Local</u></b>
City of Tallahassee Reuse Project (Wakulla Springs Protection)	\$1.0 M		\$2.7 M
Okaloosa County – Auburn Reuse Project	\$2.0 M		\$4.0 M
Regional Utilities of South Walton County Alternative Water Supply Expansion	\$6.0 M	\$1.0 M	\$6.0+M
Fairpoint Regional Utilities – Santa Rosa County, Alternative Water Supply Expansion	\$ .5 M	\$ .5 M	\$1.0 M
Franklin County Alternative Water Supply	\$ .5 M	\$ .5 M	\$ .5 M



# **Water Protection and Sustainability Program**



**March 2006**

# **ALTERNATIVE WATER SUPPLY PROJECTS**

## **FISCAL YEAR 2006**

- ① **Lake City Reuse**
- ② **Live Oak Reuse**
- ③ **Monticello Reuse**
- ④ **Gold Kist Reuse**
- ⑤ **Springs Protection/MFLs**

# **Process for Selecting WPSP Projects**

- **Project selection based on community need**
  - **Consideration in selecting projects:**
    - **12 Statutory factors**
    - **Additional factors**
    - **Input from local governments**
  - **Funding selection/priority based on need**
  - **Workshop with GB in November 2005**
  - **Recommendation to GB in January 2006**

# PROJECT SUMMARY

## Lake City

- ❑ WWTP upgrade, storage, pumps and transmission lines.
- ❑ Recreational, commercial and residential reuse.
- ❑ 1.0 mgd reuse with expansion in future.
- ❑ Estimated ground water offset – 0.810 mgd.
- ❑ Cost per thousand gallons - \$1.16.



# PROJECT SUMMARY

## Live Oak

- ❑ WWTP upgrade, storage, pumps, and transmission lines.
- ❑ Recreational, commercial, residential and agriculture reuse.
- ❑ Potential augmentation.
- ❑ 0.5 mgd reuse with expansion in future.
- ❑ Estimated ground water offset – 0.2 to 0.5 mgd.
- ❑ Cost per thousand gallons - \$3.02 to \$1.21.

# PROJECT SUMMARY

## Monticello

- WWTP upgrade, storage, pumps, and transmission lines.
- Agriculture reuse – Simpson Nursery.
- 0.5 mgd reuse with expansion in future.
- Estimated ground water offset 0.5 mgd.
- Cost per thousand gallons - \$0.72.

# **PROJECT SUMMARY**

## **GOLD KIST**

- ☐ **WWTP upgrade, storage, pumps, and piping.**
- ☐ **Process water reuse.**
- ☐ **0.5 mgd reuse with expansion in future.**
- ☐ **Estimated ground water offset 0.5 mgd.**
- ☐ **Cost per thousand gallons - \$2.90.**

# RECLAIMED WATER PROJECTS

Project	Total Construction Costs (1)	Phase I Costs	WPSTF 75% (2)	Local Match 25%
Lake City Phase I	\$10.0 - \$25.0 million	\$3.750 million	\$3.0 million	\$750,000
Live Oak Phase I	\$5.0 - \$6.0 million	\$2.5 million	\$2.0 million	\$500,000
Gold Kist	\$2.0 million	\$2.0 million	\$1.0 million (3)	\$1.0 million (3)
Monticello	\$1.5 million	\$1.5 million	\$1.5 million	\$500,000

(1) Preliminary cost estimate.

(2) Water Protection and Sustainability Trust Fund.

(3) WPSTF 50% and local match 50%.

# **SPRINGS PROTECTION**

## **PROGRAM SUMMARY**

- ☐ Watershed Management Focal Point
- ☐ Environmental Assessments
- ☐ Management Plan Development
- ☐ Restoration Activities
- ☐ Stormwater Improvements
- ☐ Establishment of MFLs

# SPRINGS PROTECTION

PROJECTS	
Suwannee Springs Restoration	
Springs Assessment and Management	
Ichetucknee Basin - Cannon Creek Stormwater Assessment and Construction	
<b>TOTAL COST</b>	<b>\$1,000,000</b>

# MINIMUM FLOWS AND LEVELS

PROJECTS	
MFL Establishment based on priority list	
Improving Modeling Tools	
Data Collection	
Outreach and Technology Transfer	
Peer Review	
<b>TOTAL COST</b>	<b>\$1,500,000</b>

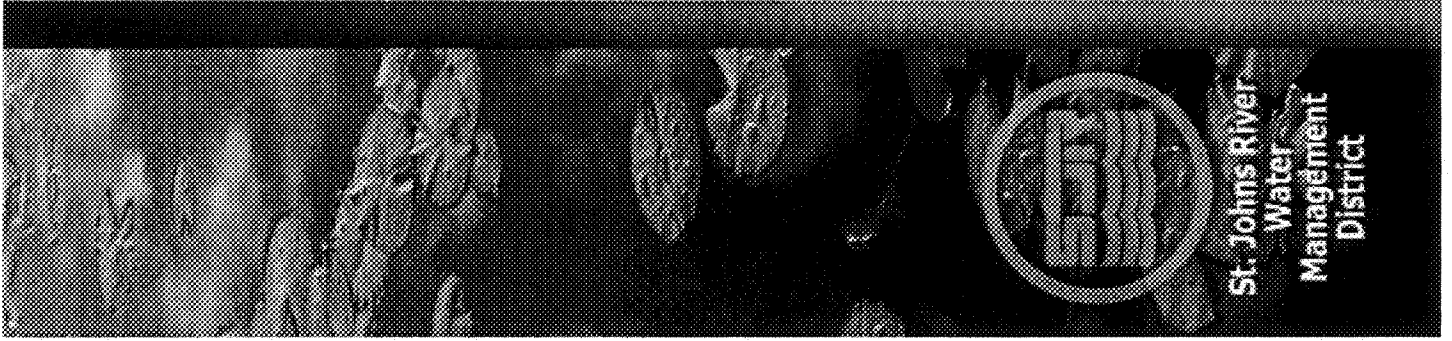
# Questions?





# **Water Protection and Sustainability Program**

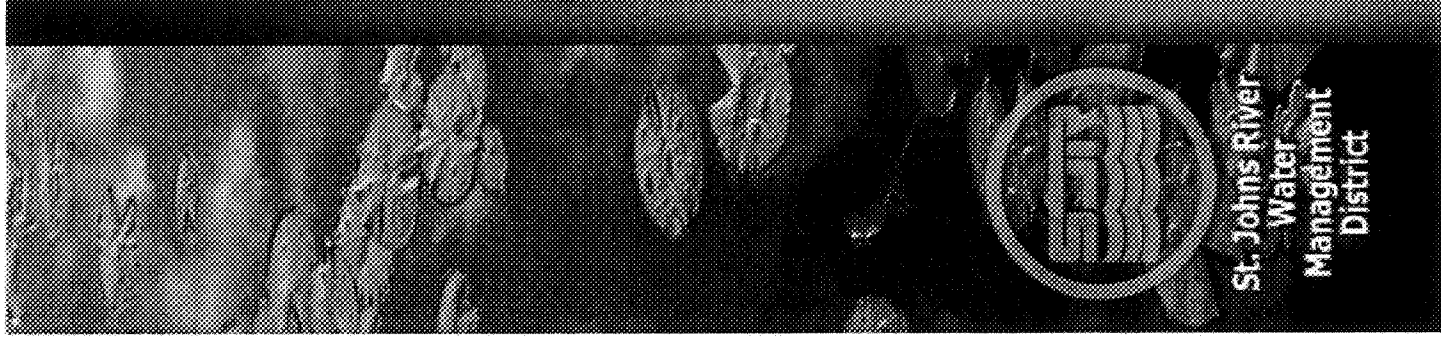
**March 2006**



**St. Johns River  
Water  
Management  
District**

# District Goal

- Cost share on AWS projects that have the greatest certainty in supplying the projected water needs through 2025 so that existing or projected water resource problems identified in the District Water Supply Assessment and District Water Supply Plan (DWSP) are solved or avoided



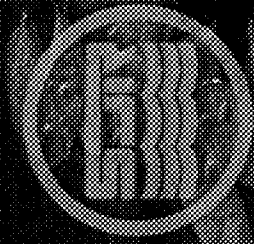
# Implementation Strategy

- DWSP and WPSP closely linked
- Priority projects
  - Key to addressing deficits in DWSP are several large multijurisdictional projects that use new sources of water
  - SJR/Taylor Creek is example
- Funding agreements
- New source/Reclaimed water projects



# **Process for Selecting WPSP Projects and Funding Levels**

- **Step 1: To be considered for funding, a project must be in the final District Water Supply Plan (DWSP) approved by GB Feb 2006**
  - **Projects from regional WSP process**
  - **Other projects proposed by individual entities after SB 444 passed**



**St. Johns River  
Water  
Management  
District**

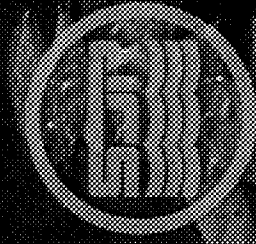
# **Process for Selecting WPSP Projects and Funding Levels**

- **Step 2: Identify projects eligible for the WPSP**
  - Once included in the DWSP, projects are reviewed by staff to determine their basic eligibility for the WPSP
  - District sent letters to sponsors of projects Dec 9, 2005 requesting supplemental information by Jan 16, 2006
  - 58 projects received



# **Process for Selecting WPSP Projects and Funding Levels**

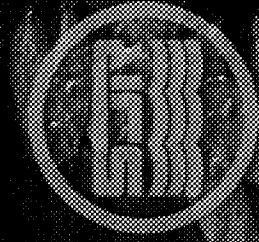
- **Step 3: Select eligible projects for funding this year**
  - **Consideration in selecting projects:**
    - **12 Statutory factors**
    - **Additional factors**
    - **Input from public meeting**
  - **Governing Board approval Mar 06**



**St. Johns River  
Water  
Management  
District**

# District Additional Factors

1. Construction Start Date
2. Construction Duration
3. Endorsement of the project in County-level water supply planning process
4. Type of project (New sources given higher consideration)

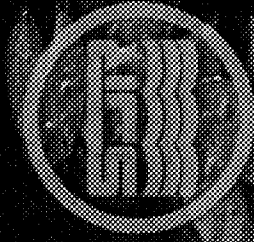


St. Johns River  
Water  
Management  
District



## **Priority projects that provide new sources of water to resolve critical water supply shortages**

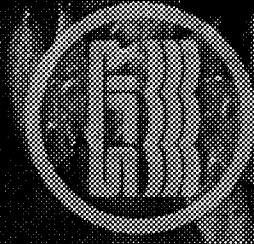
- **District will allocate funds for priority projects**
  - **Funds will be encumbered through agreement with cooperator**
- **District will monitor progress toward key milestones**
- **SJR/Taylor Creek project is a good example**
- **Anticipate other multijurisdictional projects from County planning efforts**



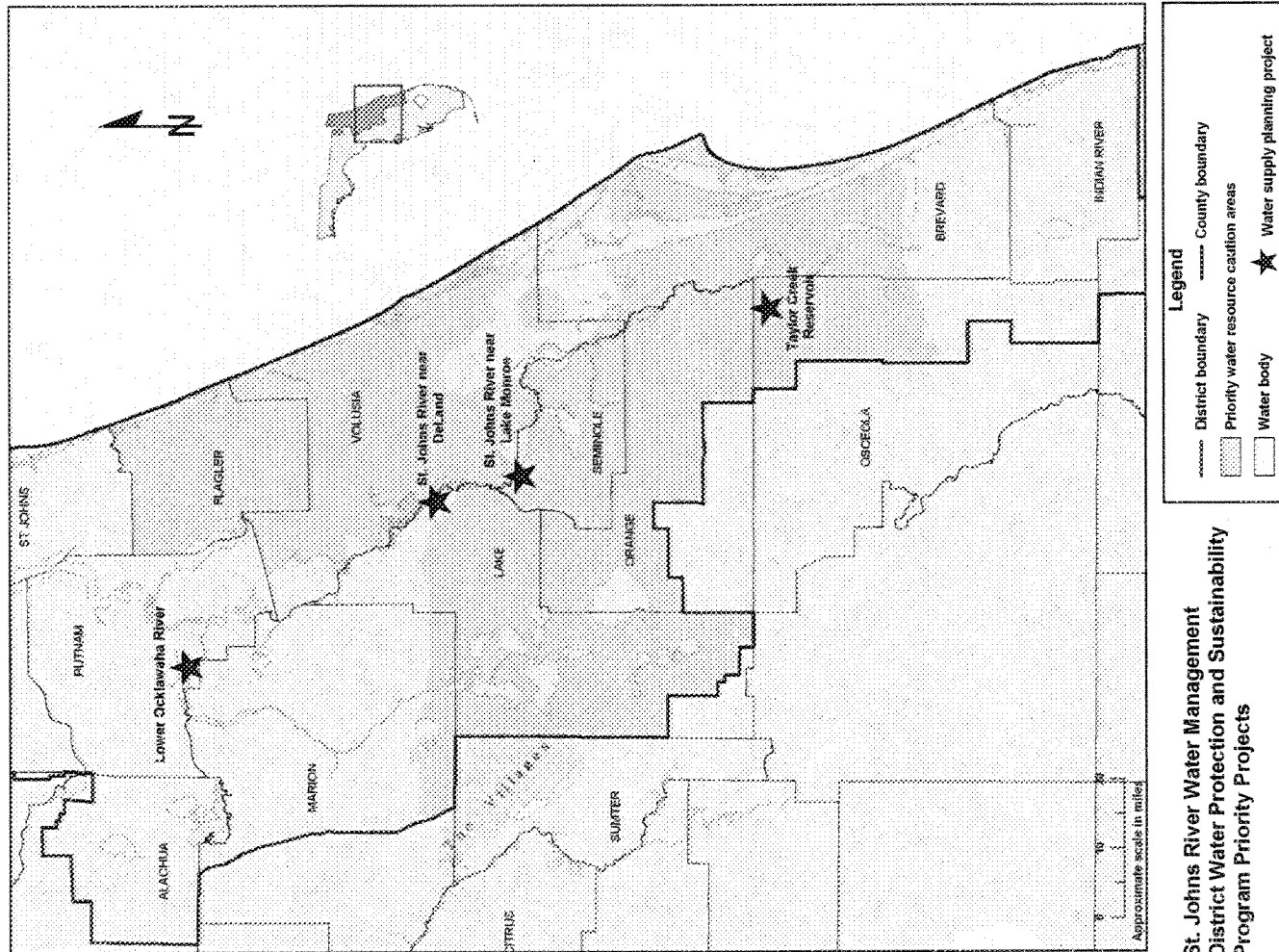
**St. Johns River  
Water  
Management  
District**

## **Priority projects that provide new sources of water to resolve critical water supply shortages**

- **Developed 10 year program to address water supply shortfalls**
- **Scheduled funds for 4 priority projects**
- **Projects key to resolving deficits in DWSP**
  - **Approx. \$650 million in construction**
  - **70 MGD new source water**



**St. Johns River  
Water  
Management  
District**



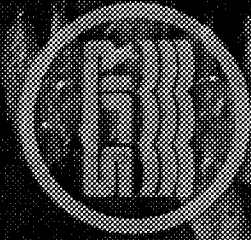
**St. Johns River Water Management  
District Water Protection and Sustainability  
Program Priority Projects**

# **SJR/Taylor Creek Project**

- District sponsored WSP process
- 6 suppliers joined to begin planning the project
- Consultant selected for Prelim Design/Envr Document
- Phase I \$125 million construction and 25 MGD new source yield
- Anticipate funding agreement with SJR/Taylor Creek this summer (priority project)



# SJR/Taylor Creek Project



St. Johns River  
Water  
Management  
District

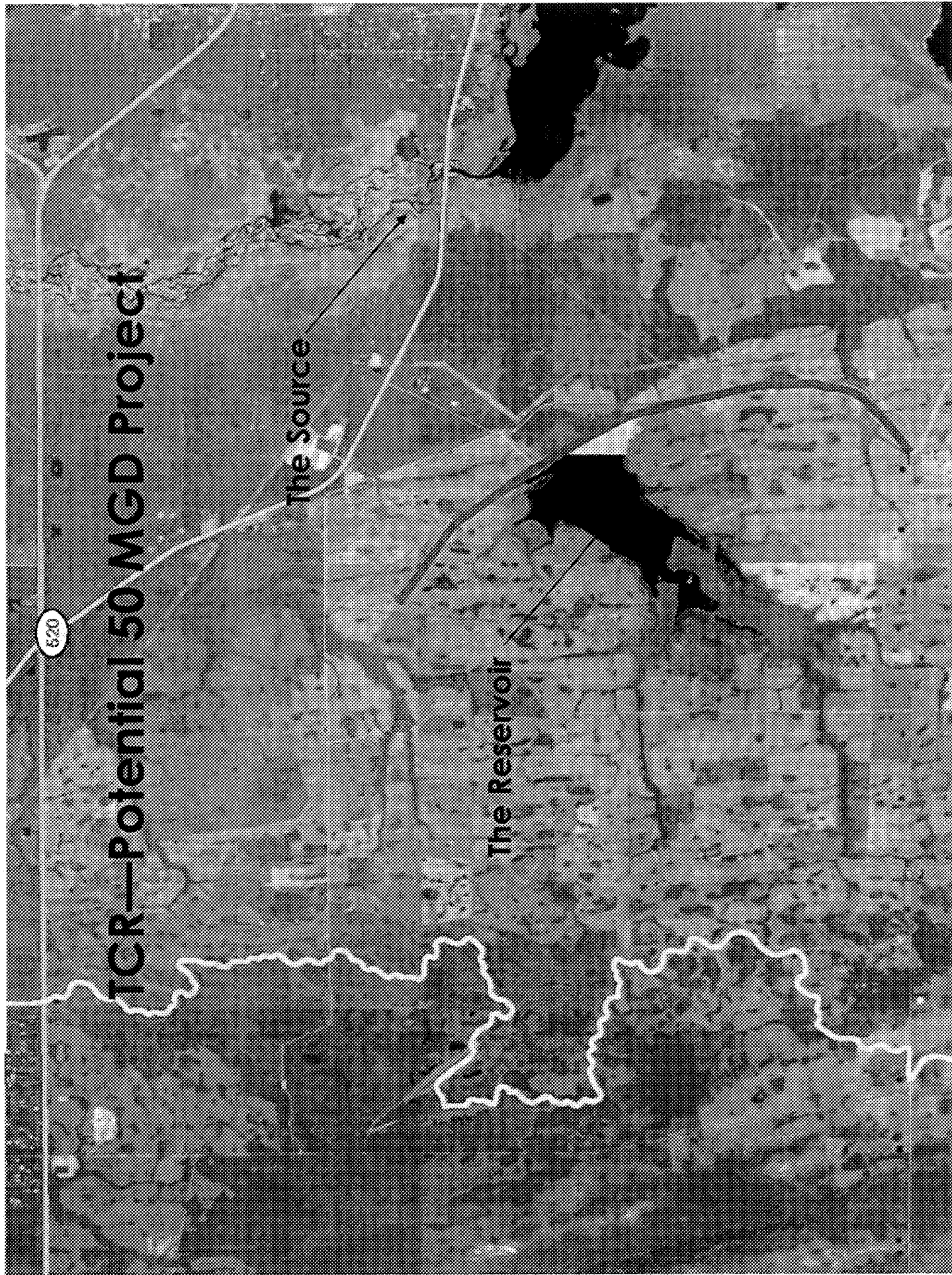


# TCR—Potential 50 MGD Project

520

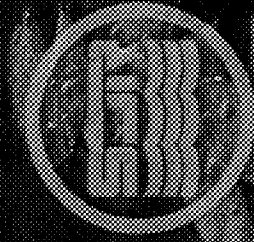
The Source

The Reservoir



## **Other WPSP Projects**

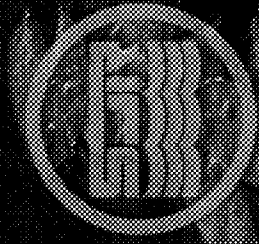
- **58 Projects with Sponsors requested WPSP funds**
- **170 MGD total yield/95 MGD effective yield at completion**
- **\$400 million in total construction**
- **Estimate \$100 WPSP cost share**



**St. Johns River  
Water  
Management  
District**

## **Projects Approved by SJRWMD Governing Board March 7, 2006**

- 30 Projects
  - 5 brackish GW
  - 25 reuse
- Approx \$200 million of total construction for all FY
- \$18 million WPSP this year (Apr – Sep 06),
- Approx 100 MGD total yield/60 MGD effective yield at completion

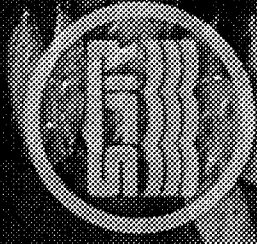


St. Johns River  
Water  
Management  
District



## **Projects Approved by SJRWMD Governing Board March 7, 2006**

- All projects ready to construct were included
- Funding level 40% new source and 20% reuse
- FY 06 cost share \$18
- Total project cost share \$52 million
- Award funds for construction this FY
- District will issue Notice to Proceed for subsequent years



St. Johns River  
Water  
Management  
District

**Water Protection and Sustainability Program  
Projects beginning in FY06 Only(\$ millions)**

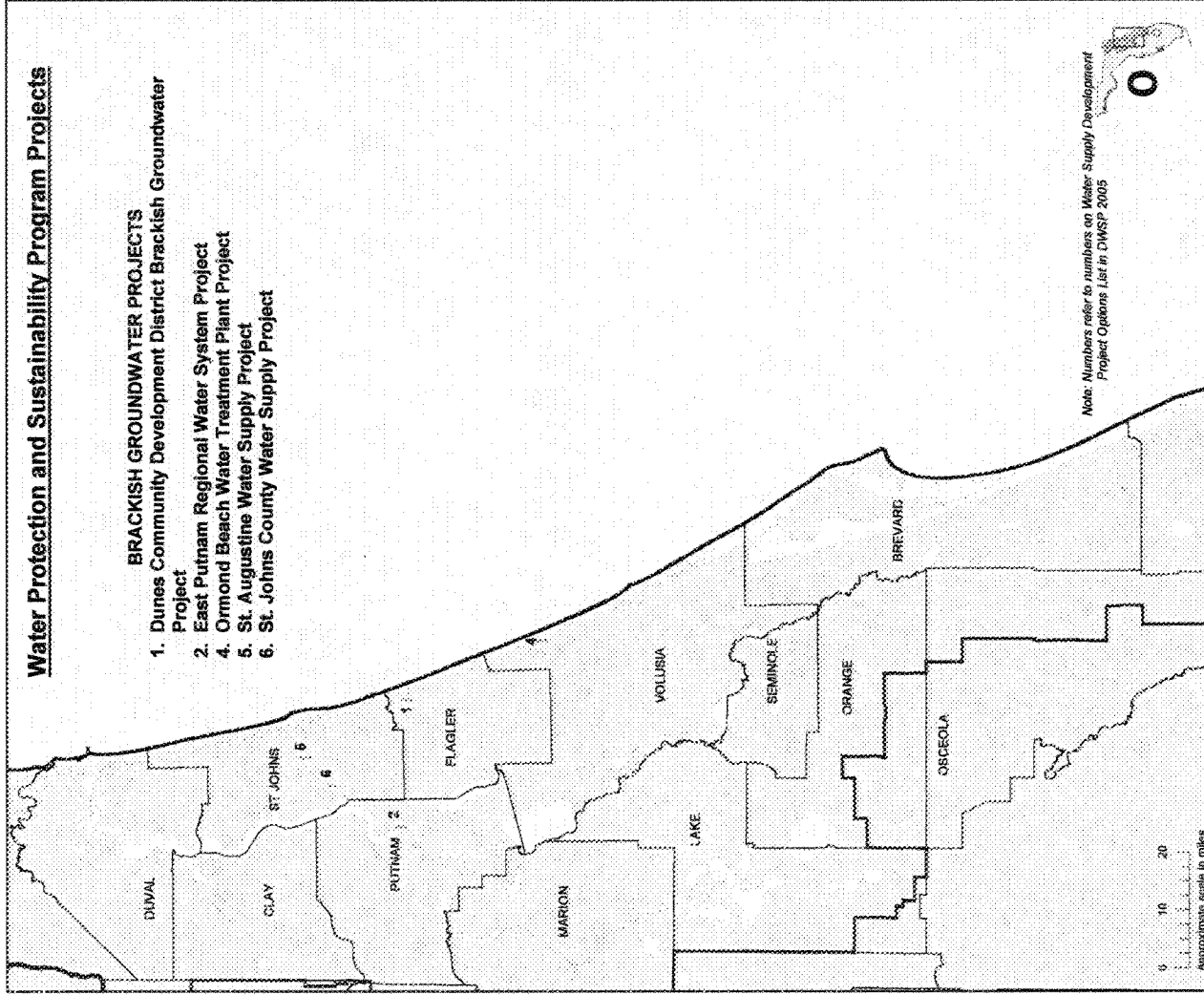
All values are estimated and may change without notice

DWSP #	DWSP Project List w/sponsors	FY2006 Cash AWS Match	Total Project Match
<b>Brackish Groundwater Projects</b>			
1	Dunes Community Development District Brackish Groundwater Project*	1.60	2.80
2	East Putnam Regional Water System Project*	0.35	6.28
3	Ormond Beach Water Treatment Plant Expansion	3.05	4.36
4	St. Augustine Water Supply Project*	0.23	3.72
5	St. Johns County Water Supply Project*	3.27	6.54
<b>Reuse Projects</b>			
16	Alafaya Reclaimed Water Storage and High Service Pump Project*	0.03	0.28
16a	Alafaya Utilities Reclaimed Water Line Installation	0.14	0.14
19	Bellevue and Spruce Creek Golf Course Reclaimed Water System Expansion Pro	0.15	0.29
20	Beverly Beach Integrated Reclaimed Water and Stormwater Reuse Project, Phase	0.12	0.12
23	Daytona Beach Reclaimed Water System Project*	0.40	1.98
24	DeLand Reclaimed Water and Surface Water Augmentation Project*	0.09	0.12
25	Eastern Orange and Seminole Counties Regional Reuse Project	2.62	6.58
27	Eustis Reclaimed Water System Expansion and Augmentation Project*	0.08	0.08
28	Flagler County Bulow Reclaimed Water System Project*	0.06	0.30
30	Lady Lake Reclaimed Water System Project, Phase II*	0.04	0.40
31	Lake Utility Services (Utilities Inc. of Florida) Lake Groves WWTF Reclaimed Wate	0.33	0.98
32	Leesburg Reclaimed Water Reuse Project*	1.52	5.32
33	Melbourne Reclaimed Water System Expansion Project*	0.26	1.32
34	Minneola Reclaimed Water Reuse Project *	0.78	1.56
36	North Seminole Regional Reclaimed Water and Surface Water Optimization Syste	0.67	4.12
37	Ocoee Reuse System Expansion Project*	0.51	0.51
38a	Orange County NW Reclaimed Water Interconnect from Conserv to NWWRF	0.05	0.20
39a	Orange County EWRP Reuse Pumping and Storage Project	0.06	0.68
39b	Orange County ICP Reuse Transmission System	0.09	0.84
41	Ormond Beach North Peninsula Reclaimed Water Storage Project*	0.15	0.58
43	Palm Coast Reclaimed Water System Expansion Project*	0.72	1.02
46	Port Orange Reclaimed Water Reservoir and Recharge Basin Project*	0.08	0.26
47	Rockledge Reclaimed Water Storage Project*	0.42	0.42
49	South Daytona Reclaimed Water System Expansion Project*	0.08	0.27
60	Holloway Farms Agricultural Irrigation Rainwater Collection System Project*	0.09	0.26
<b>Project Totals</b>		\$ 18.04	\$ 52.35

# Water Protection and Sustainability Program Projects

## BRACKISH GROUNDWATER PROJECTS

1. Dunes Community Development District Brackish Groundwater Project
2. East Putnam Regional Water System Project
4. Ormond Beach Water Treatment Plant Project
5. St. Augustine Water Supply Project
6. St. Johns County Water Supply Project



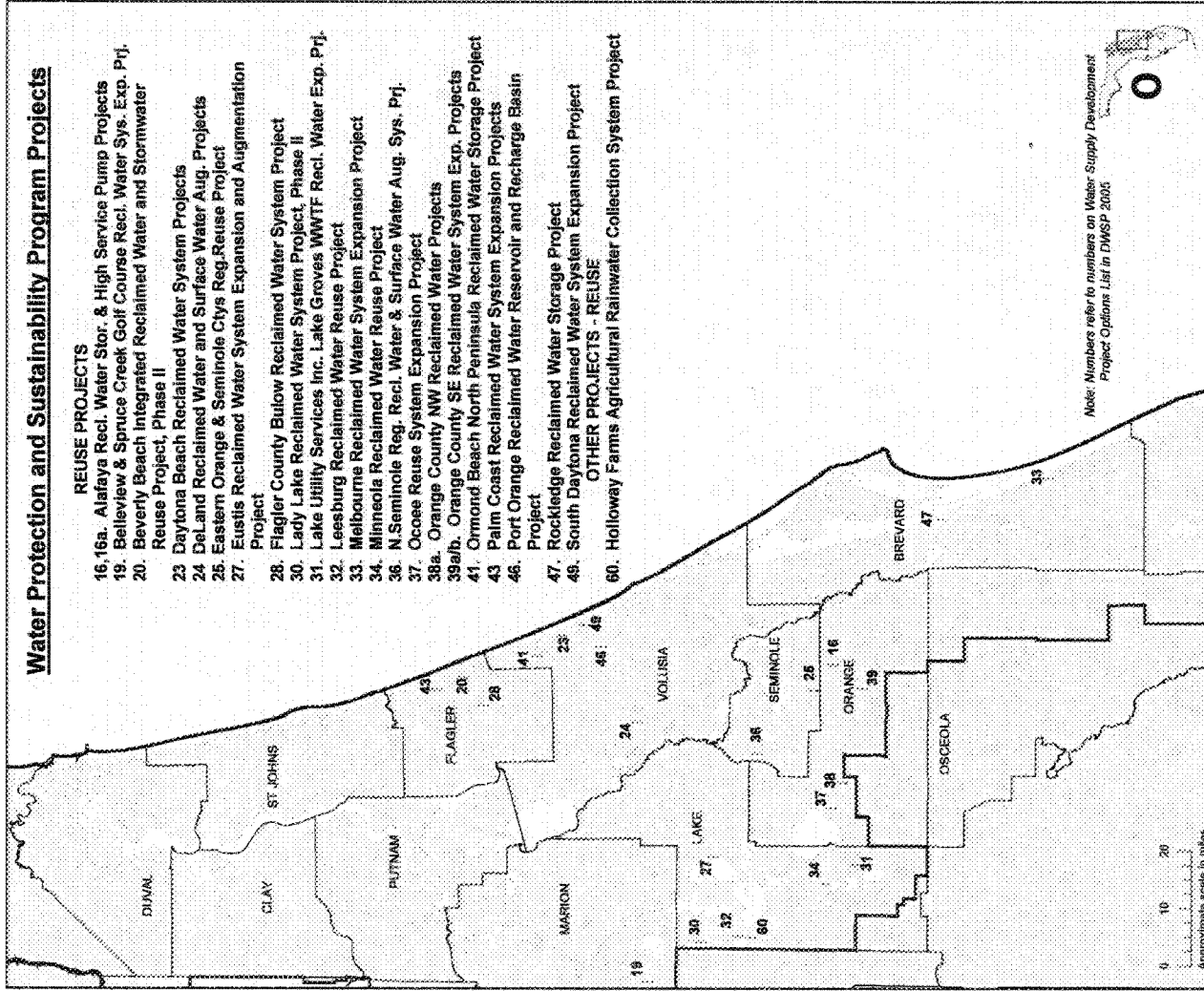
Water Protection and Sustainability Program  
FY2006

# Water Protection and Sustainability Program Projects

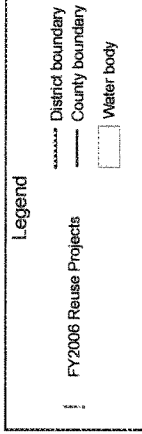
## REUSE PROJECTS

16. 16a. Alafaya Recl. Water Stor. & High Service Pump Projects
19. Belleview & Spruce Creek Golf Course Recl. Water Sys. Exp. Prj.
20. Beverly Beach Integrated Reclaimed Water and Stormwater Reuse Project, Phase II
23. Daytona Beach Reclaimed Water System Projects
24. Deland Reclaimed Water and Surface Water Aug. Projects
25. Eastern Orange & Seminole Cty's Reg. Reuse Project
27. Eustis Reclaimed Water System Expansion and Augmentation Project
28. Flagler County Bulow Reclaimed Water System Project
30. Lady Lake Reclaimed Water System Project, Phase II
31. Lake Utility Services Inc. Lake Groves WWTF Recl. Water Exp. Prj.
32. Leesburg Reclaimed Water Reuse Project
33. Melbourne Reclaimed Water System Expansion Project
34. Minneola Reclaimed Water Reuse Project
36. N. Seminole Reg. Recl. Water & Surface Water Aug. Sys. Prj.
37. Ocoee Reuse System Expansion Project
- 38a. Orange County NW Reclaimed Water Projects
- 39a/b. Orange County SE Reclaimed Water System Exp. Projects
41. Ormond Beach North Peninsula Reclaimed Water Storage Project
43. Palm Coast Reclaimed Water System Expansion Projects
46. Port Orange Reclaimed Water Reservoir and Recharge Basin Project
47. Rockledge Reclaimed Water Storage Project
48. South Daytona Reclaimed Water System Expansion Project
60. Holloway Farms Agricultural Rainwater Collection System Project

## OTHER PROJECTS - REUSE



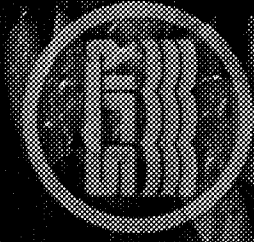
Note: Numbers refer to numbers on Water Supply Development Project Options List in DWSP 2005



Water Protection and Sustainability Program  
FY2006

# Path Forward

- Funding agreements being executed now for FY 06 cost share
- Process for FY 07 program will begin in June 2006
  - Includes continuation of FY 06 projects
  - Additional 25 projects from DWSP will also be considered for funding
  - Anticipate funds will also be allocated for future construction of one or more priority projects
- Public meeting in July 2006
- Governing Board review & approval in August 2006
- Execute agreements for FY 07 program effective October 2006



St. Johns River  
Water  
Management  
District



# Florida's Water Management Districts

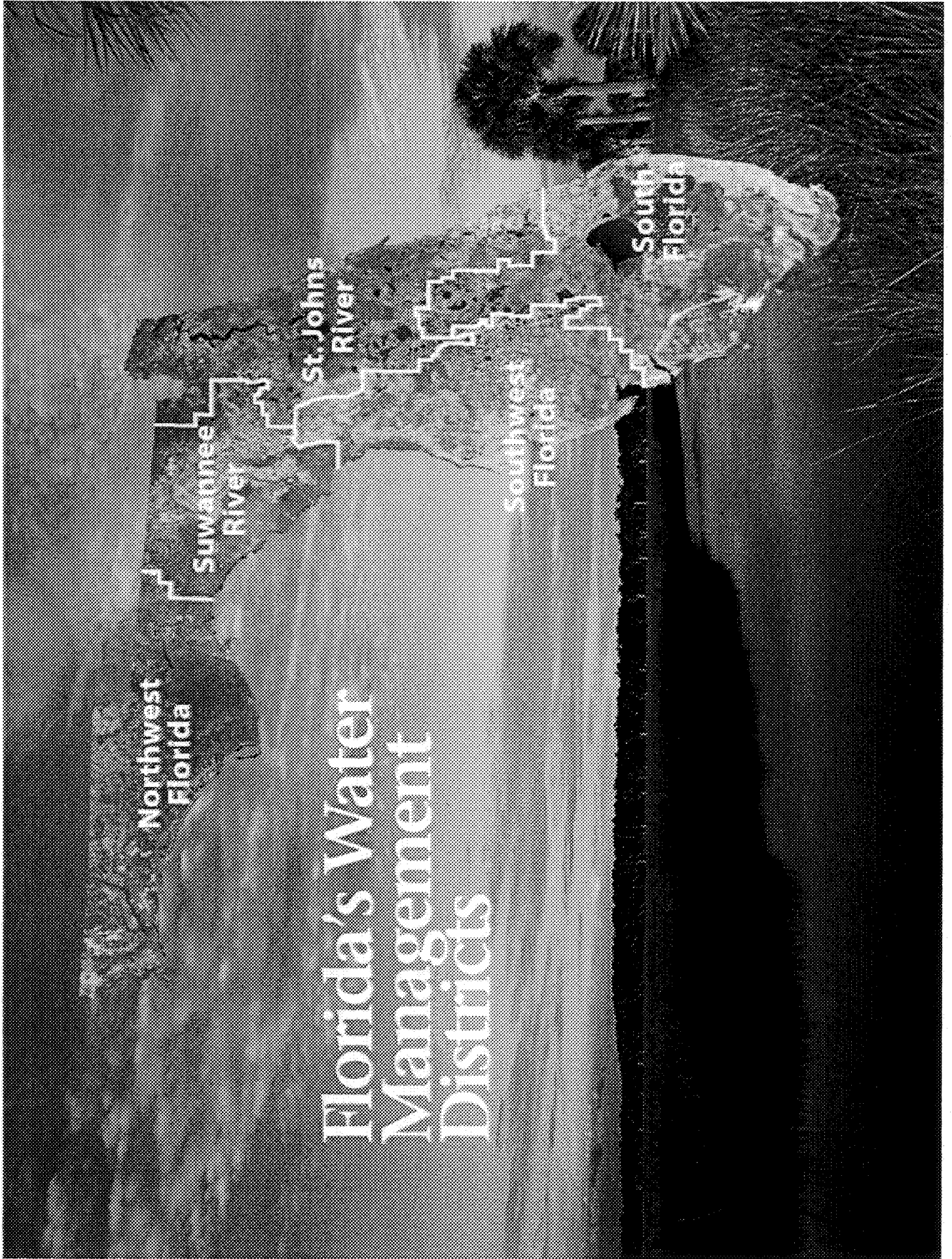
Northwest  
Florida

Suwannee  
River

St. Johns  
River

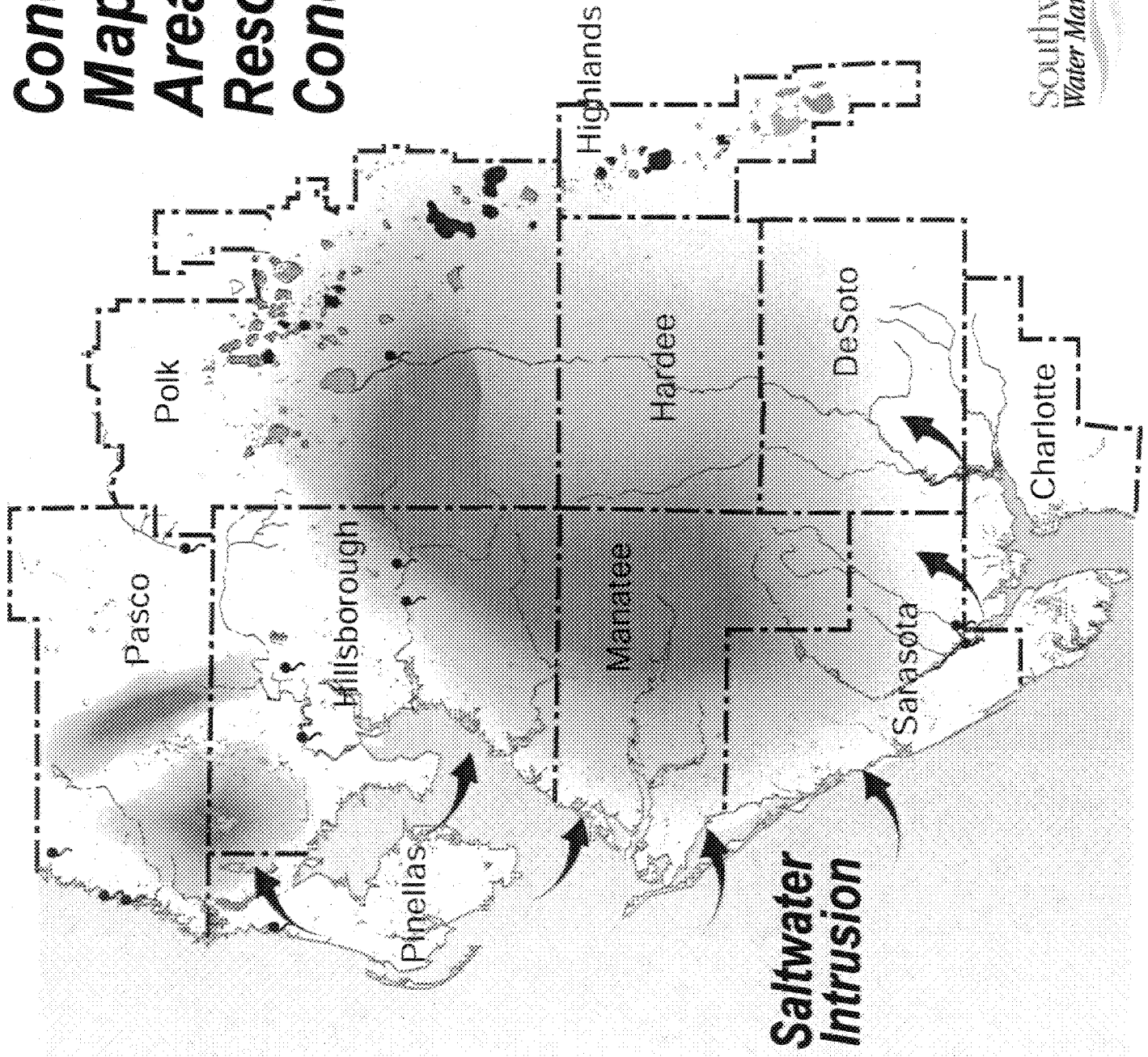
Southwest  
Florida

South  
Florida



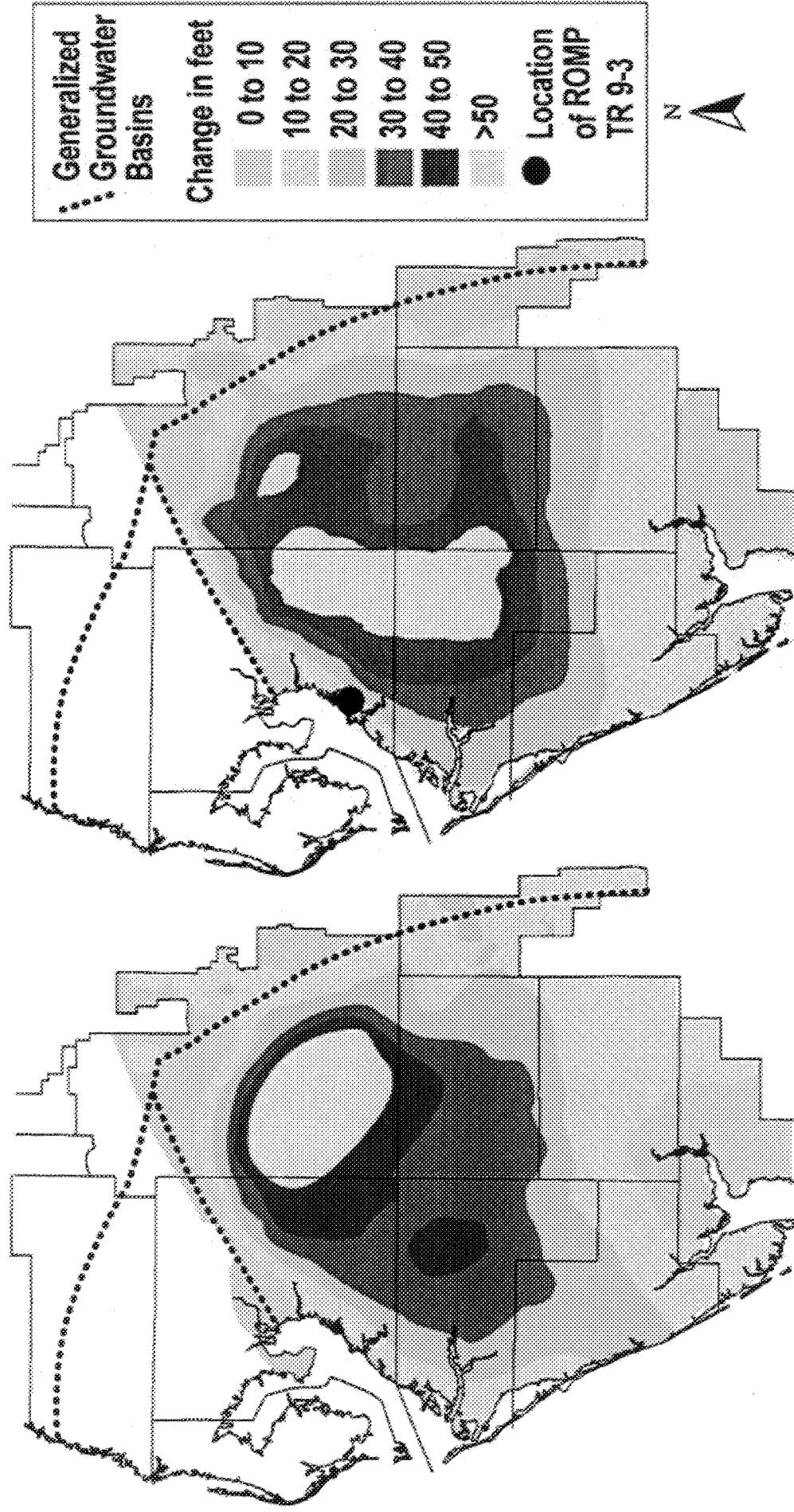


# Conceptual Map Showing Areas of Resource Concerns





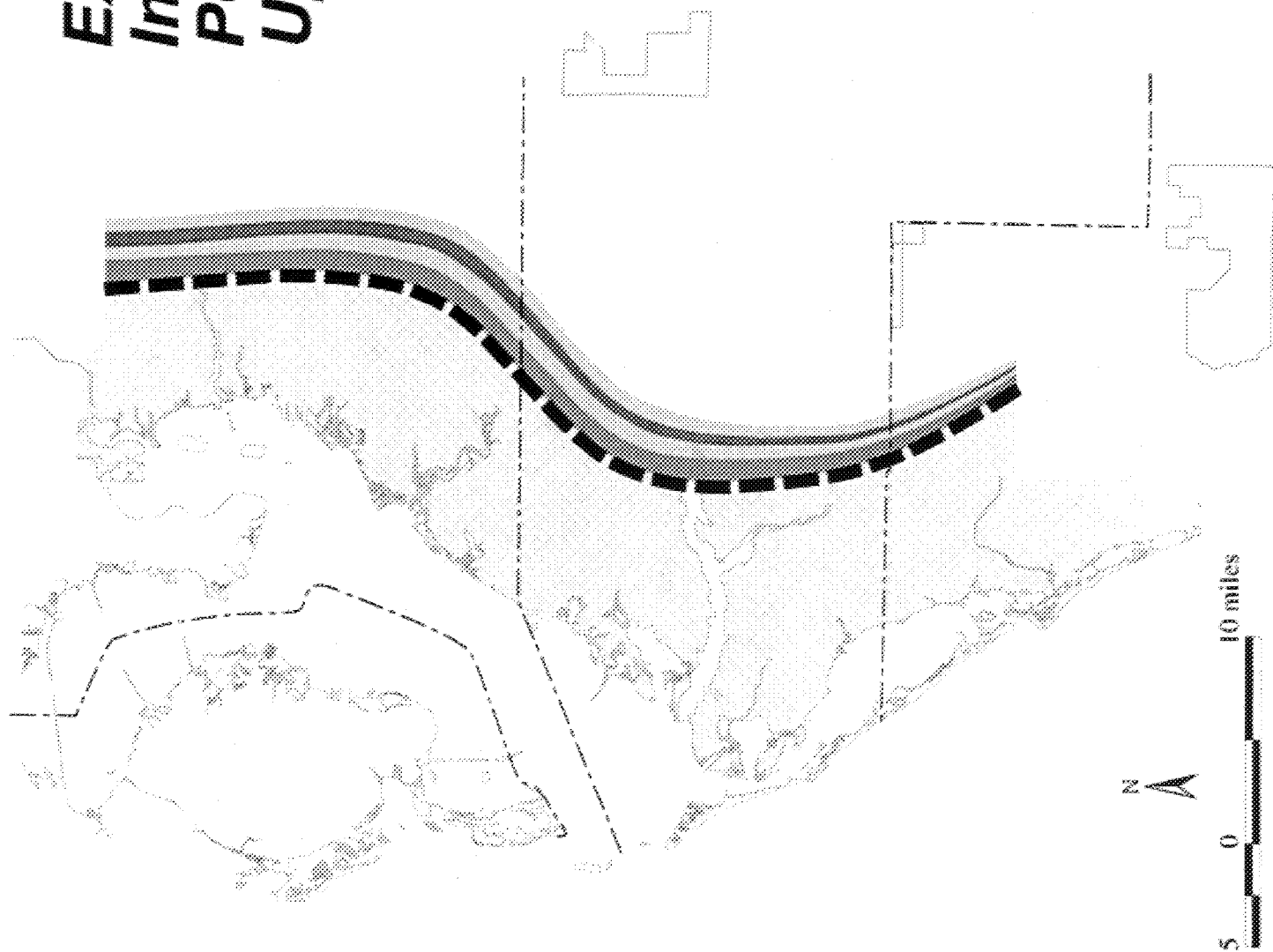
# ***Long Term Changes in the Potentiometric Surface of the Upper Floridan Aquifer***



**Predevelopment to 1975**

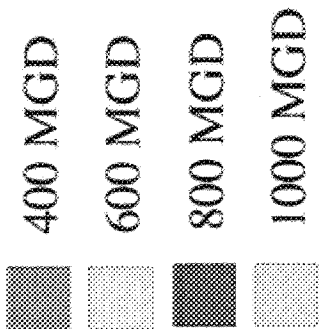
**Predevelopment to 2000**

# Extent of the Saltwater Interface in the Highly Permeable Zone of the Upper Floridan Aquifer



■ Present Position of Interface

Position of Interface after 50 Years:



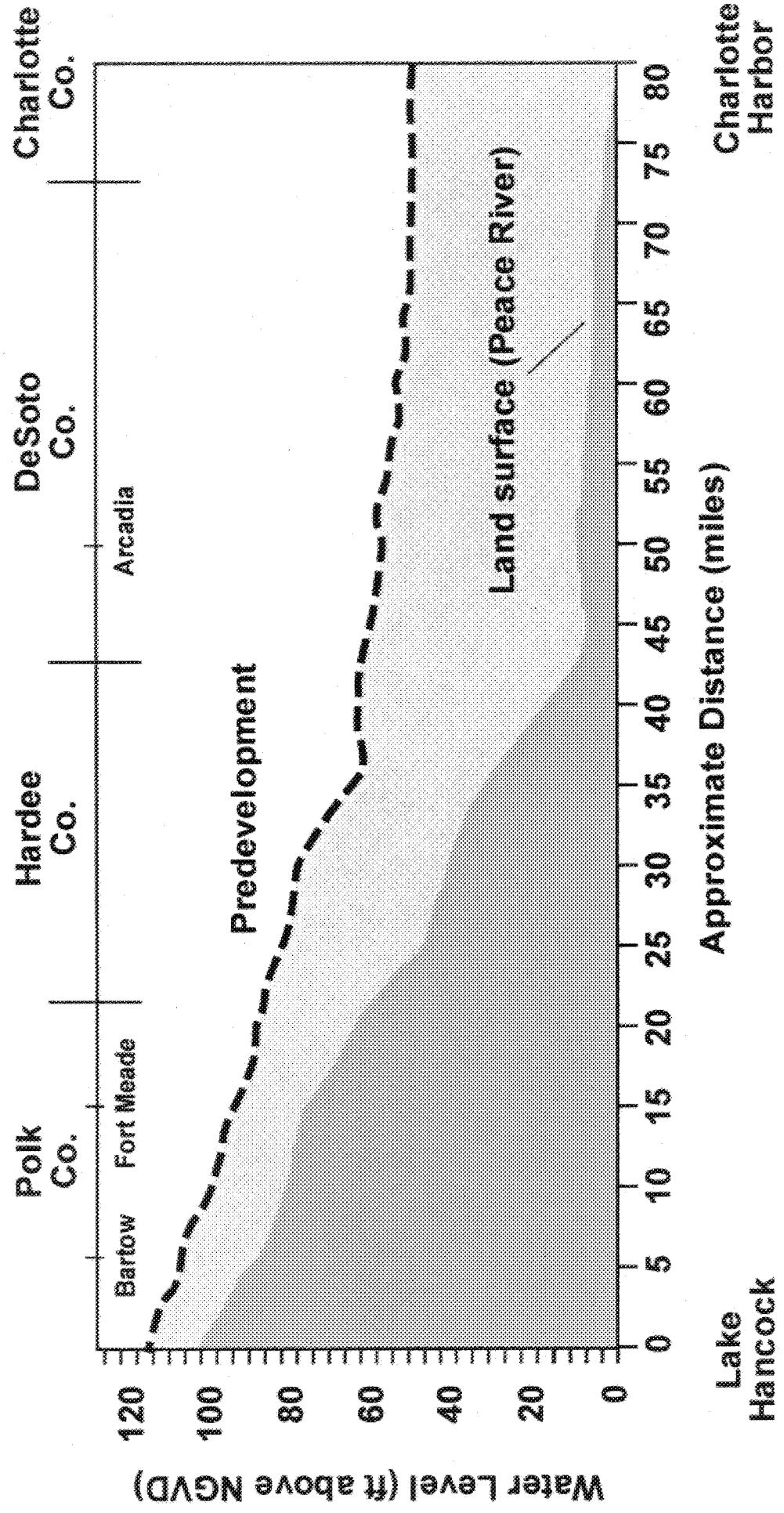
Note: Interface is 1,000 mg/L isochlor



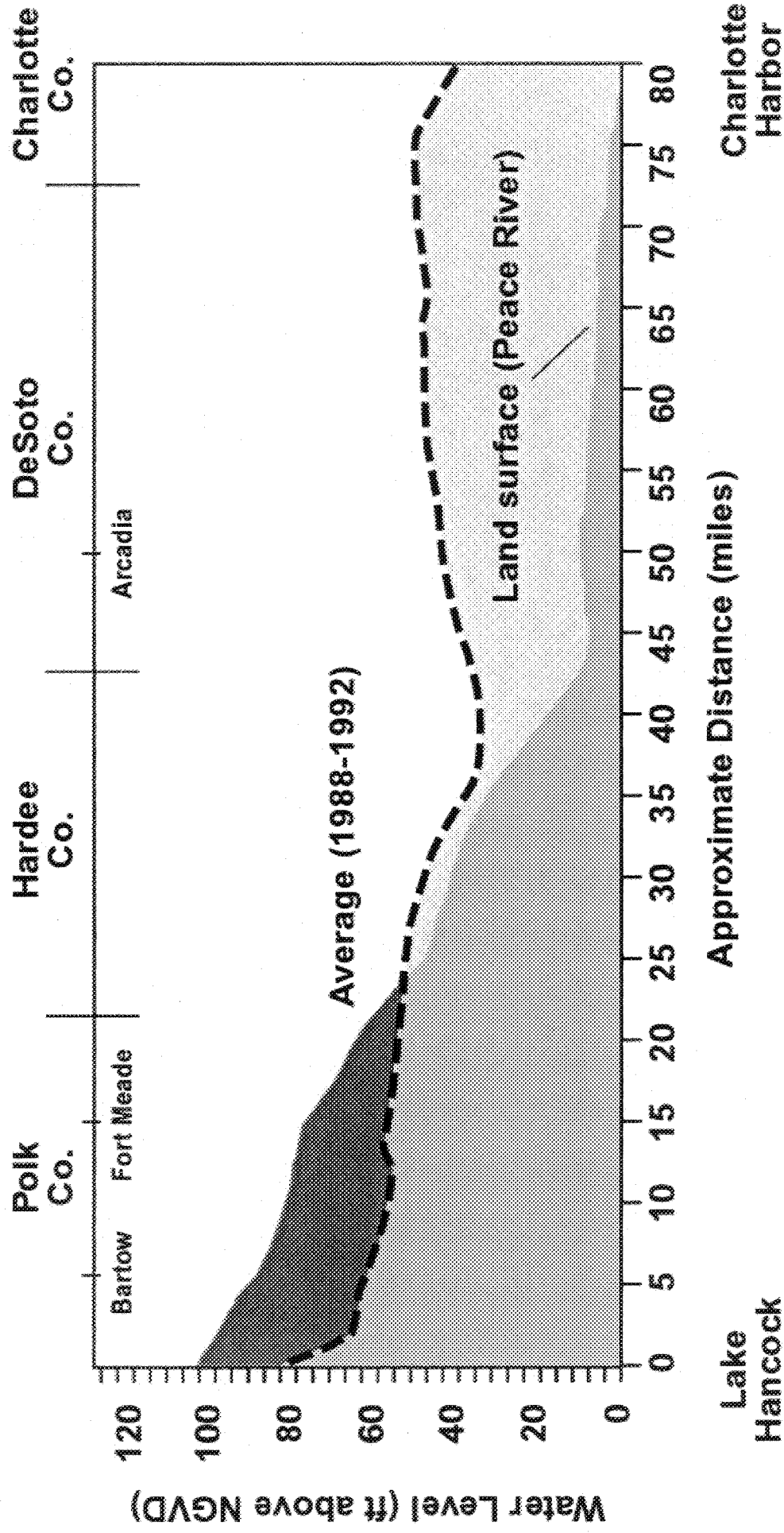




# Generalized Potentiometric Surface of the Upper Floridan Aquifer along the Peace River



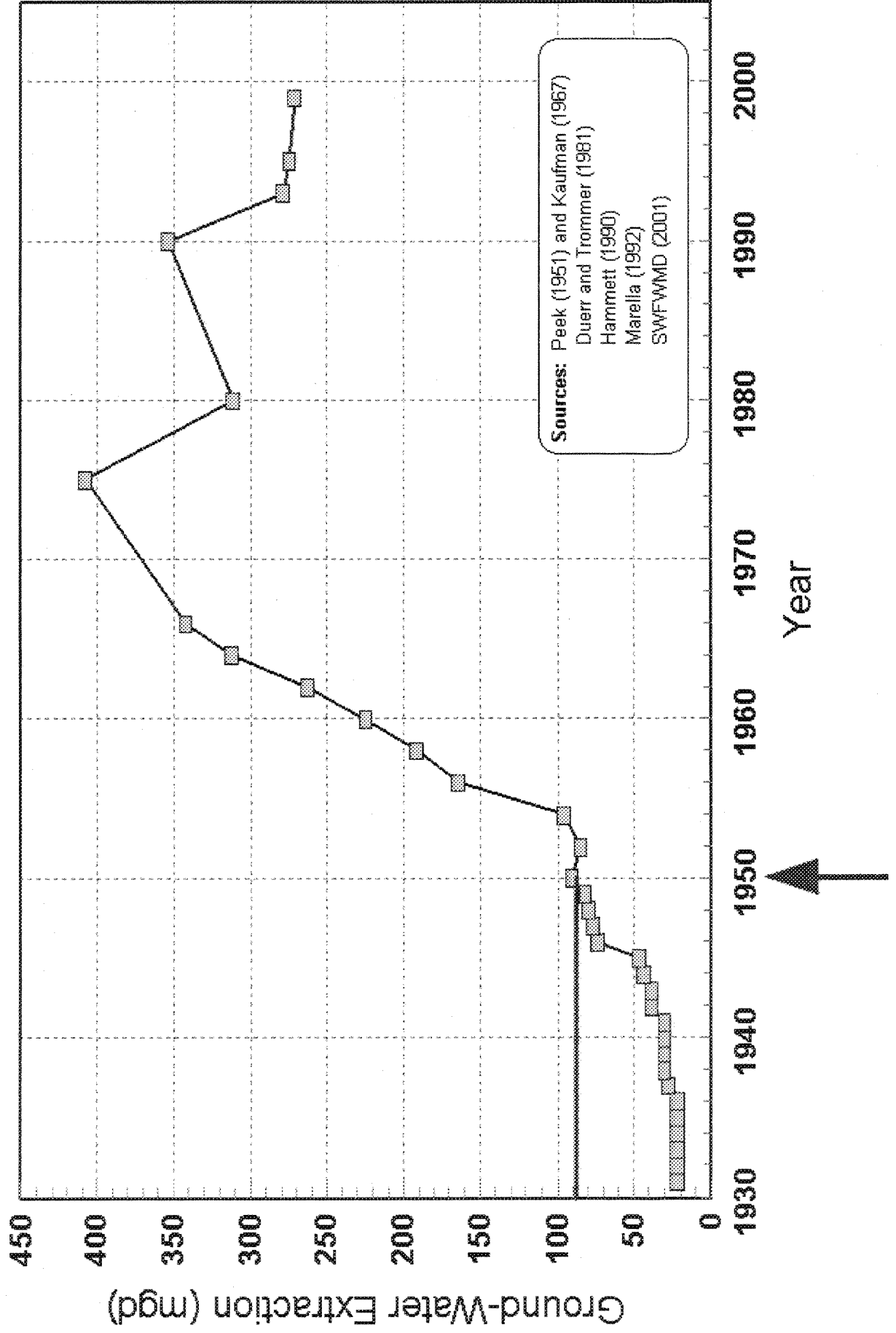
# Generalized Potentiometric Surface of the Upper Floridan Aquifer along the Peace River





# Polk County

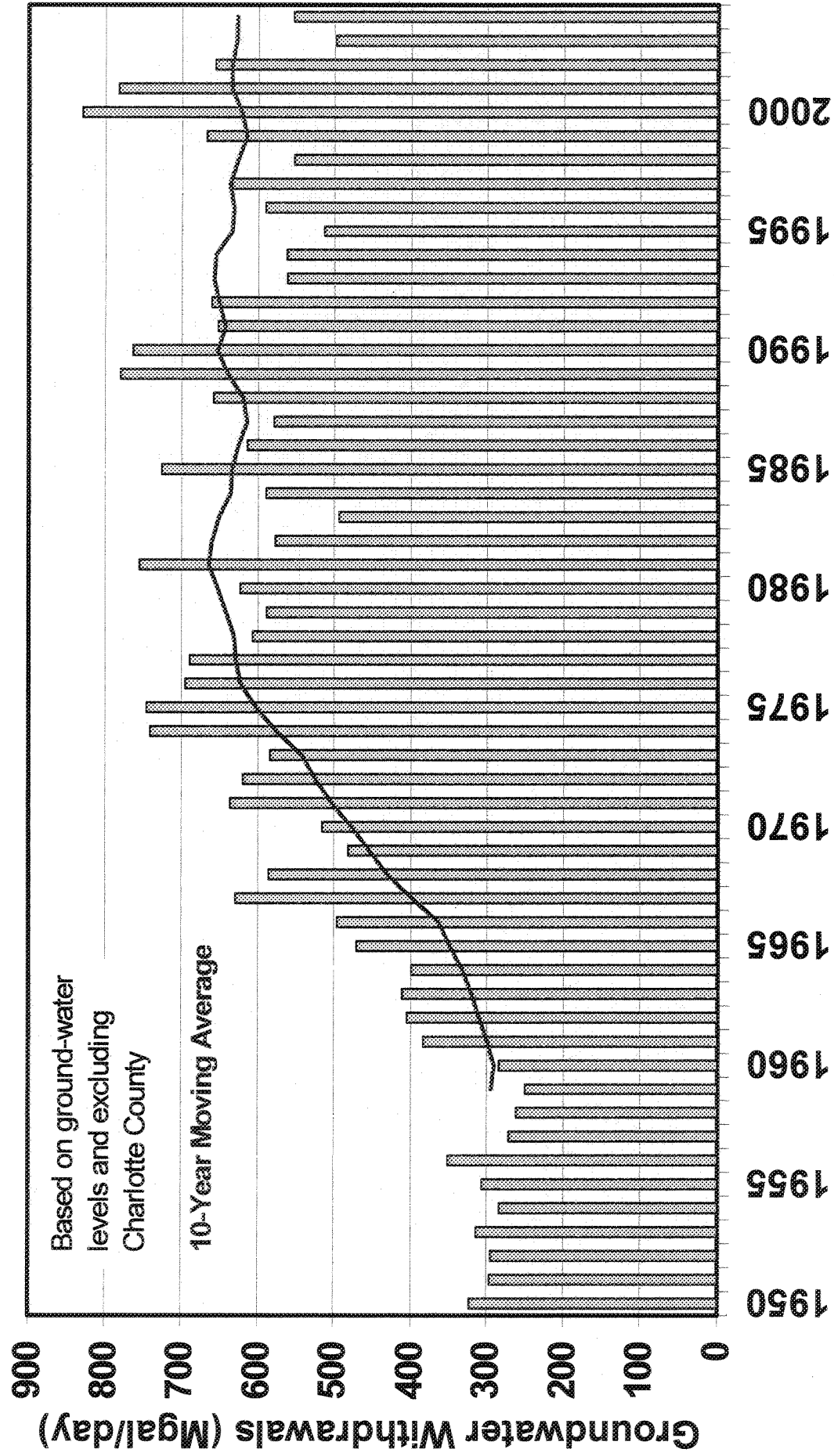
## Ground-Water Withdrawal History







# SWUCA: Estimated Ground-Water Use



# SWUCA Recovery Strategy

## Regional Water Supply Planning Component

### Projected Additional Water Needed by 2025

<u>Use Type</u>	<u>Average Conditions</u>	<u>Drought Conditions</u>
Quantities Needed to Meet Saltwater Intrusion Minimum Aquifer Levels	Up To 50 MGD	Up to 50 MGD
Public Supply	108.8 MGD	116.7 MGD
Residential Irrigation Wells	13.0 MGD	14.4 MGD
Agriculture	No Net Increase	No Net Increase
Phosphate	No Net Increase	No Net Increase
Other Industry	15.5 MGD	15.5 MGD
Recreational and Aesthetic	29.1 MGD	37.7 MGD
<b>TOTALS</b>	<b>Up To 216.4 MGD</b>	<b>Up To 234.5 MGD</b>

Additional needs shown above are for the period 2000 to 2025. The additional quantities needed during a drought are based on low-rainfall conditions that occur once every ten years.

Reclaimed Water

Well Plugging

IFAS Research

Storm Water

Rate Structures

FARMS

Retrofits

Education

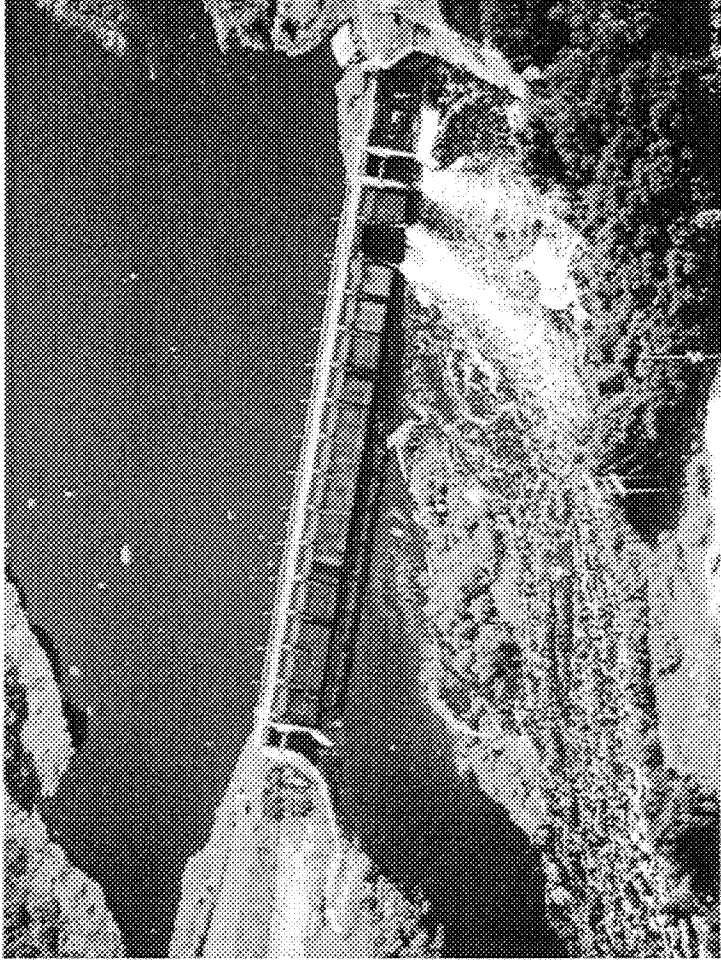
BMPs

Conservation  
Plans

New Standards

Increased Efficiency in Water Use Through  
Education, Retrofits, Reclaimed, BMPs, Etc.





**Alternative Supplies: Surface Water, Sea Water, Rainfall Capture,  
Shallow Aquifers, Reclaimed Water Credits, Storm, etc.**

# Water Protection and Sustainability Program

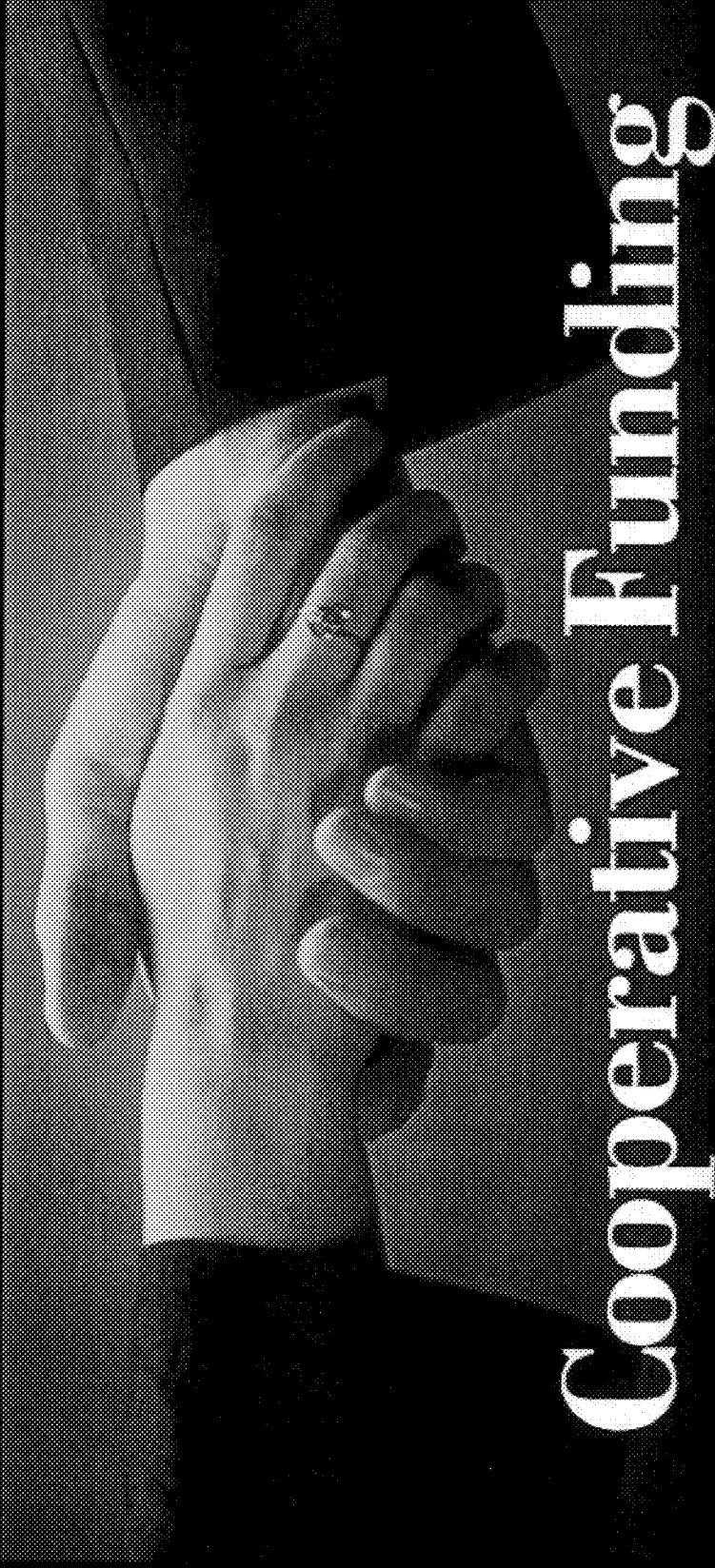
# Water Sustainability and Protection Program

- Goals:
  - Develop alternative water supplies
    - Sustain Florida's economic growth and viability
    - Sustain our natural resources
  - Encourage cooperation
    - Cities, counties, regional water supply authorities and others can achieve economies of scale and efficiencies in developing new, dependable, sustainable water supplies
  - Avoid competition for traditional sources of water
  - Enhance concurrency
    - connect growth and water supplies

# Public Outreach

- Advisory Committees
- Basin Boards
- Governing Board
- Local Governments
- Public Meetings





# Cooperative Funding



# Project Selection Process

- Process to follow the cooperative funding program
- Fiscal Year 2006 alternative supply projects selected from applications submitted in cooperative funding cycle
- Evaluations based on existing criteria and legislative factors

# Schedule

- June/July 2005
  - staff identified cooperative funding projects eligible for alternative supply funding and began project evaluation
- July Governing Board meeting
  - presented tentative project list and allocation to Board for approval to bring to Basin Boards and FDEP
- August
  - Projects and allocation reviewed at Basin Boards for inclusion into their FY 06 budgets
- August Governing Board meeting
  - final acceptance of projects into FY 06 budget

# Draft Project List and Proposed Allocation of State Funding

(Page 1 of 2)

Project Name	Proposed FY2006 Budget			
	State	District	Coop	Total
Charlotte City Reg Reclaimed Water	\$ 400,000	\$ 800,000	\$ 800,000	\$ 2,000,000
PRMRWSA Reservoir Expansion	2,634,758	2,185,798	2,185,799	7,006,354
PRMRWSA Facility Expansion	2,853,473	2,366,252	2,366,253	7,585,978
Pasco County Central East Recl	699,200	1,550,400	1,550,400	3,800,000
Pasco County SE Reg Recl	239,400	545,300	545,300	1,330,000
Tampa Bay Reg Recl Wtr Dwnstrm Aug	15,000,000	12,736,259	12,736,259	40,472,518
Lake Tarpon ASR	340,000	680,000	680,000	1,700,000
STAR, Phase 2	926,801	1,853,602	1,853,602	4,634,004
Lake Placid Reuse (REDI)	117,420	331,124	138,556	587,100
Brooksville US41 Service Area Reuse Sys	216,130	432,260	432,260	1,080,650
Clearwater Morningside RCW Trans/Distr	400,000	800,000	800,000	2,000,000
Connerton Recl Water Trans and Storage	216,631	433,262	433,262	1,083,156

# Draft Project List and Proposed Allocation of State Funding

(Page 2 of 2)

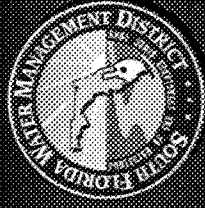
Project Name	Proposed FY2006 Budget			
	State	District	Coop	Total
Hills County Lithia-Pinecrest RW Trans	\$ 152,416	\$ 304,833	\$ 304,833	\$ 762,082
Pasco Lake Bernadette GC RW	100,300	244,850	244,850	590,000
Pasco Cannon Ranch RW	102,780	234,110	234,110	571,000
Inverness RW Trans Main	39,500	330,250	330,250	700,000
Polk City NE Reg RW Storage	134,704	382,648	382,648	900,000
Charlotte Co Golf Course Reuse Storage	120,328	293,743	293,743	707,814
City of Sara Reuse / Payne Park	125,000	250,000	250,000	625,000
Bradenton Potable ASR Program	120,000	590,000	590,000	1,300,000
Aqua Utilities Lakewood Ranch Reuse	54,645	154,827	154,827	364,299
Sarasota City ASRs and UV increase	6,514	286,743	286,743	580,000
Dundee Reclaimed Water Sys (REDI)	-	204,000	68,000	272,000
<b>Total</b>	<b>\$ 25,000,000</b>	<b>\$ 27,990,261</b>	<b>\$ 27,661,694</b>	<b>\$ 80,651,955</b>



# **Implementing 2005 Water Legislation Re: Alternative Water Supplies**

*Carlyn H. Kowalsky, Esq.  
Director, Water Supply Department*

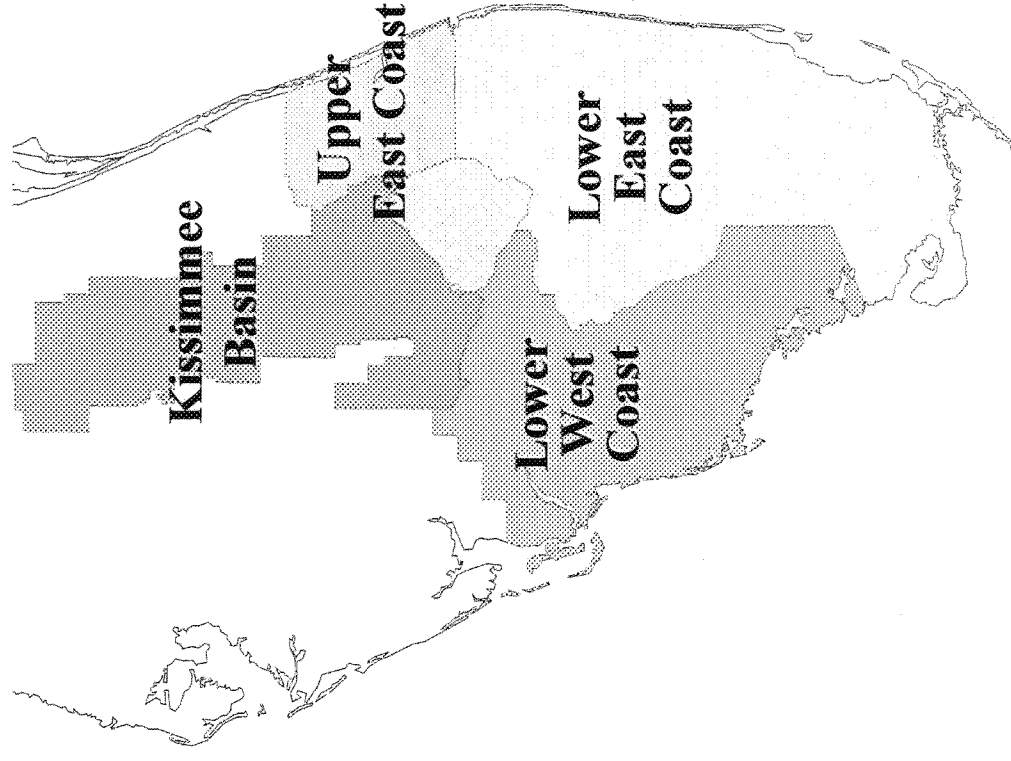
*House Natural Resources Committee  
March 22, 2006*



*sfwmd.gov*

# Water Supply Plan Updates

- Kissimmee Basin
- Lower West Coast
- Upper East Coast
- Lower East Coast





## Kissimmee Basin

**Minimize Floridan  
withdrawals to  
reduce impacts to  
wetlands and natural  
systems**



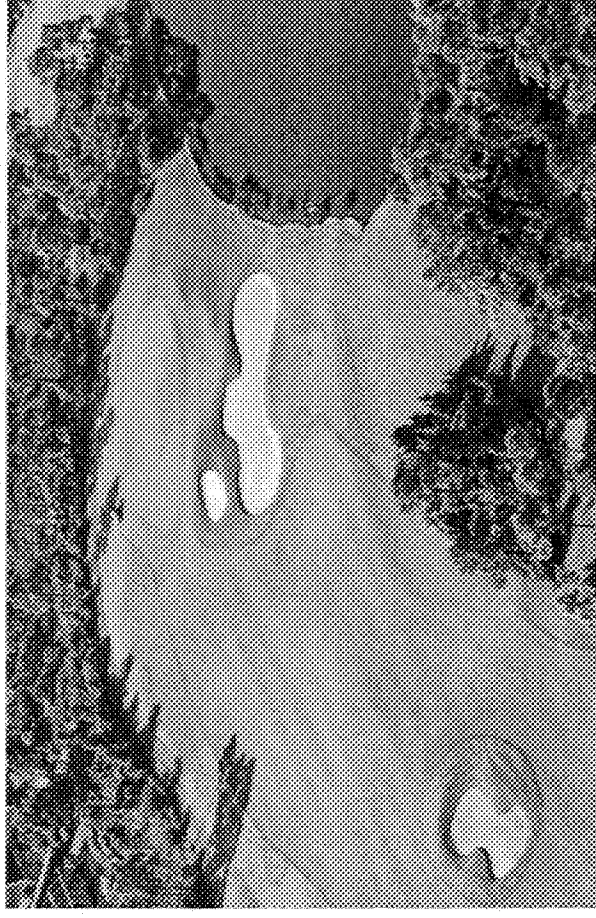
## Upper East Coast

**Limited  
freshwater  
aquifers and  
high growth  
require  
alternative  
sources**



## Lower West Coast

**Limited  
freshwater  
aquifers and  
sensitive  
wetlands  
require  
alternative  
sources**



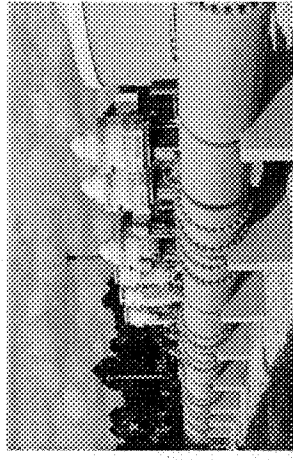
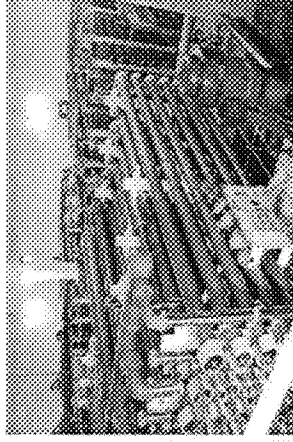
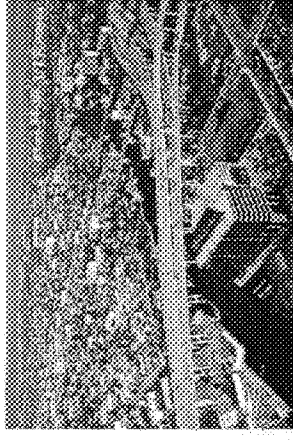
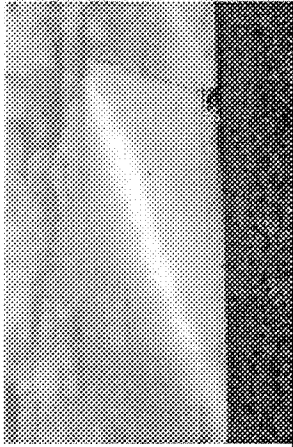
## **Lower East Coast**

**Reduce dependence  
on regional system to  
support Everglades  
Restoration**



# Why Alternative Water Supplies?

- Limits on traditional sources
- Reliability
- Source diversity
- 20 year permit

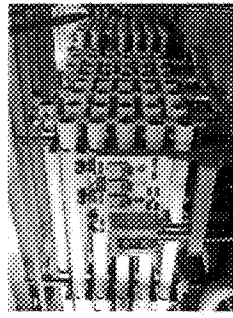
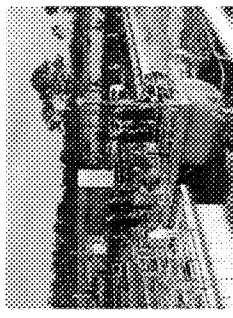
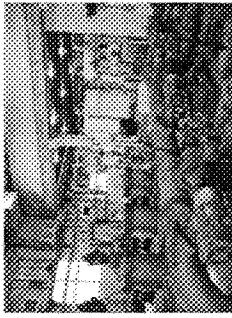
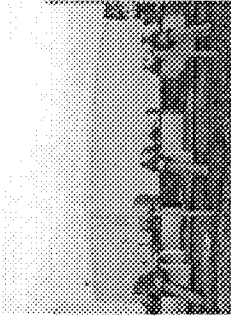


[sfwmd.gov](http://sfwmd.gov)

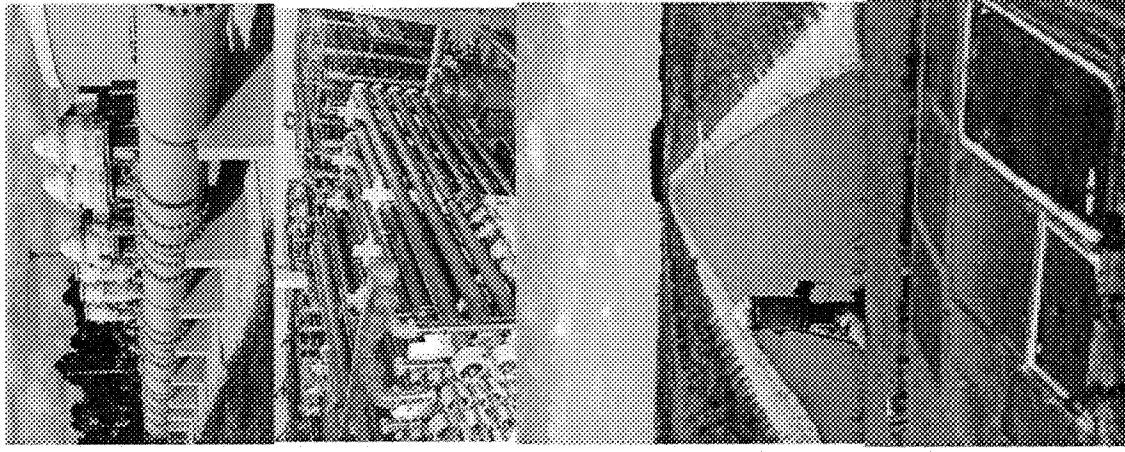


# 2006 Project Selection & Funding Process

- Participants provided proposals
- Phased projects (1 year increments)
- Evaluated based on statutory criteria & Governing Board requirements
- 1 year contracts beginning October 2006
- Board will revisit process for FY 2007



# **FY2006 Alternative Water Supply Projects**



**80 qualifying projects**

**172 MGD in FY06\***

**304 MGD upon completion\***

**\* - Based on submitted proposals**

**[sfwmd.gov](http://sfwmd.gov)**

# 2006 Alternative Water Supply Projects

## Construction Costs

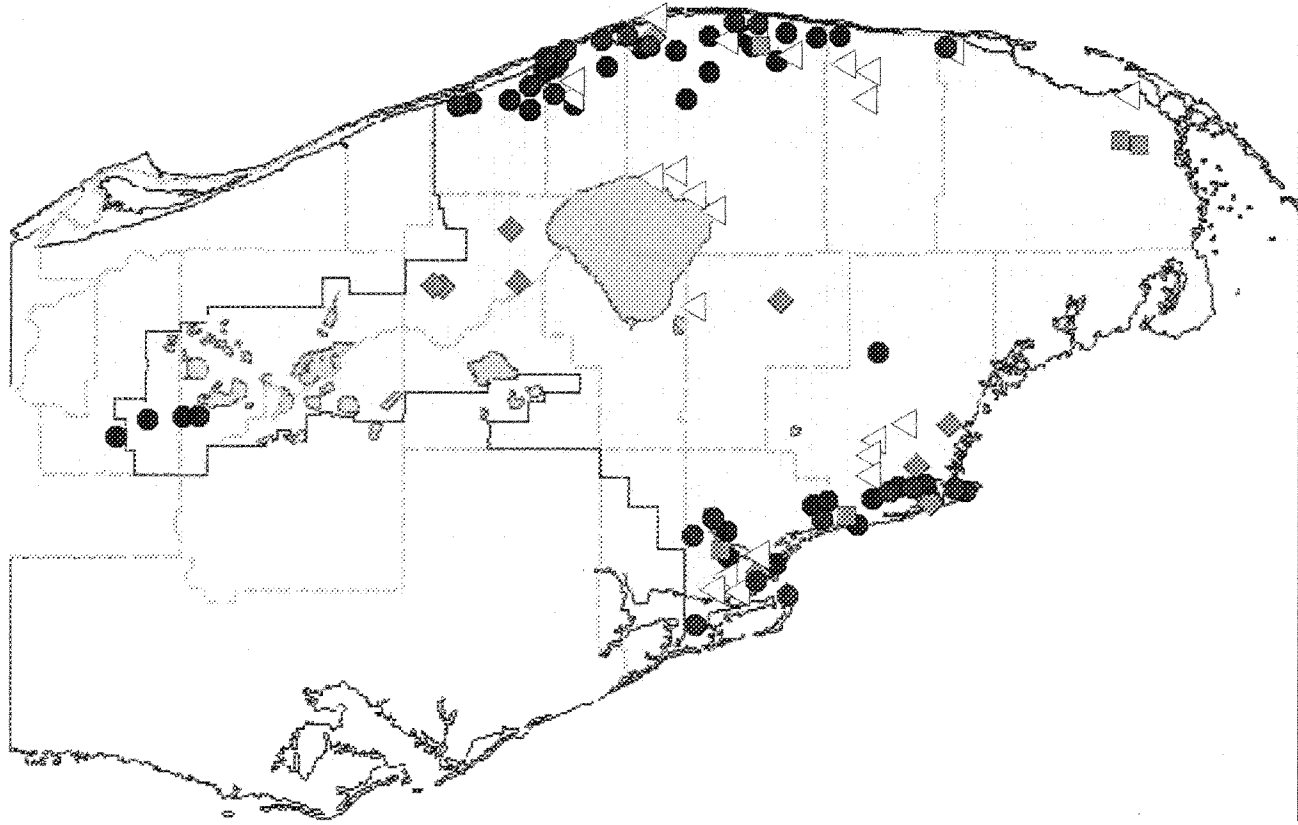
Local	\$ 158 M	79 %
District	\$ 13 M	6 %
State	\$ 30 M	15 %
Total	\$ 201 M	



# FY 2006 Alternative Water Supply Funding

<u>District Funds</u>	
AWS on-going projects	\$ 6.6 M
WR Development (supporting AWS)	\$ 9.3 M
Water Conservation	\$ 1.7 M
AWS New Construction	<u>\$13.1 M</u>
District Total	<u>\$30.7 M</u>
State Funds (SB444)	<u>\$30.0 M</u>
FY2006 AWS Funding	\$60.7 M

# FY 2006 Funded Projects



## Project Type

37 ● Reclaimed Water

22 △ Brackish Water

12 ■ Aquifer Storage and Recovery

9 ◆ Storage/Other

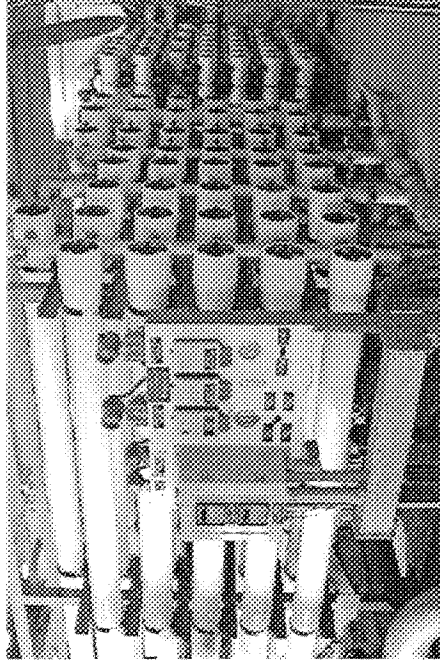
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80 Total Projects

# Funded Project Examples

## *Reverse Osmosis Treatment*

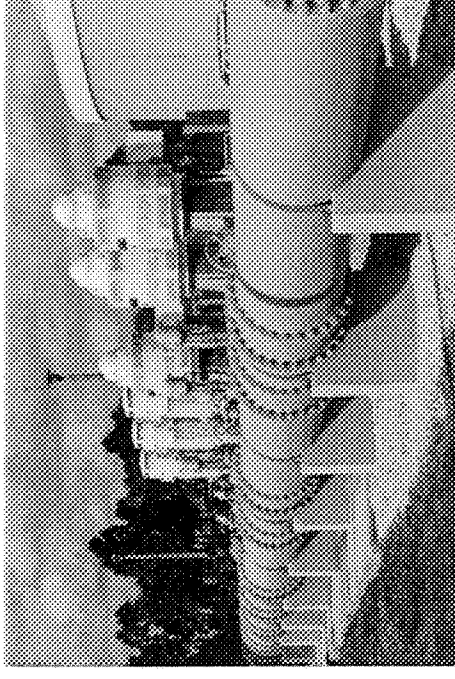
Lake Region (Palm Beach County)	10 MGD
North Miami Beach	6.5 MGD
Martin Co.	8 MGD
Lee Co.	3.2 MGD
Collier Co. North	4 MGD



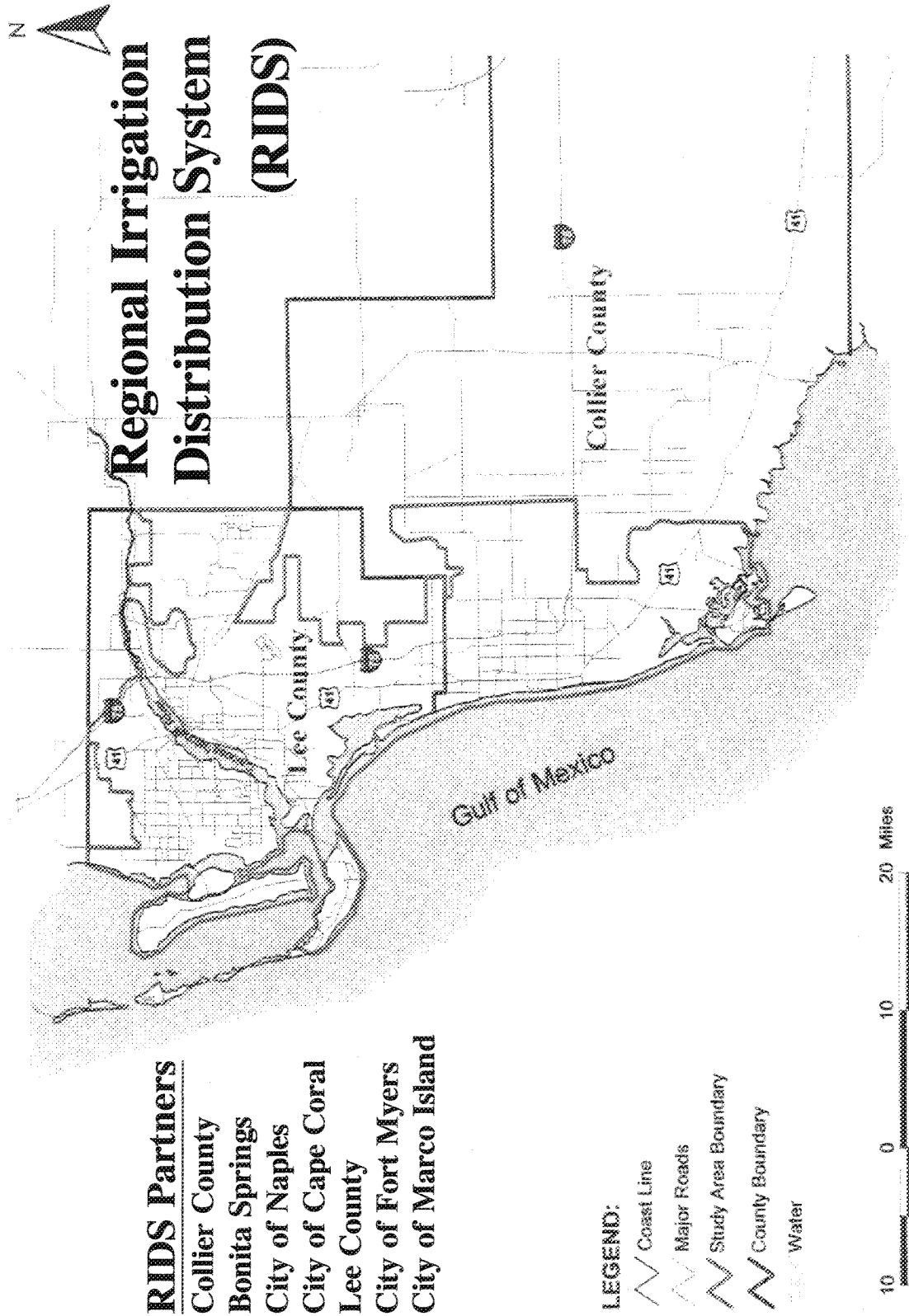
# Funded Project Examples

## *Reclaimed Water*

South Central WWTP (Delray & Boynton)	6 MGD
Port St. Lucie - Glades	6 MGD
Ft. Myers	4 MGD
Collier Co. South	11 MGD
Naples Phase 1	4 MGD
Toho Water Authority	6 MGD

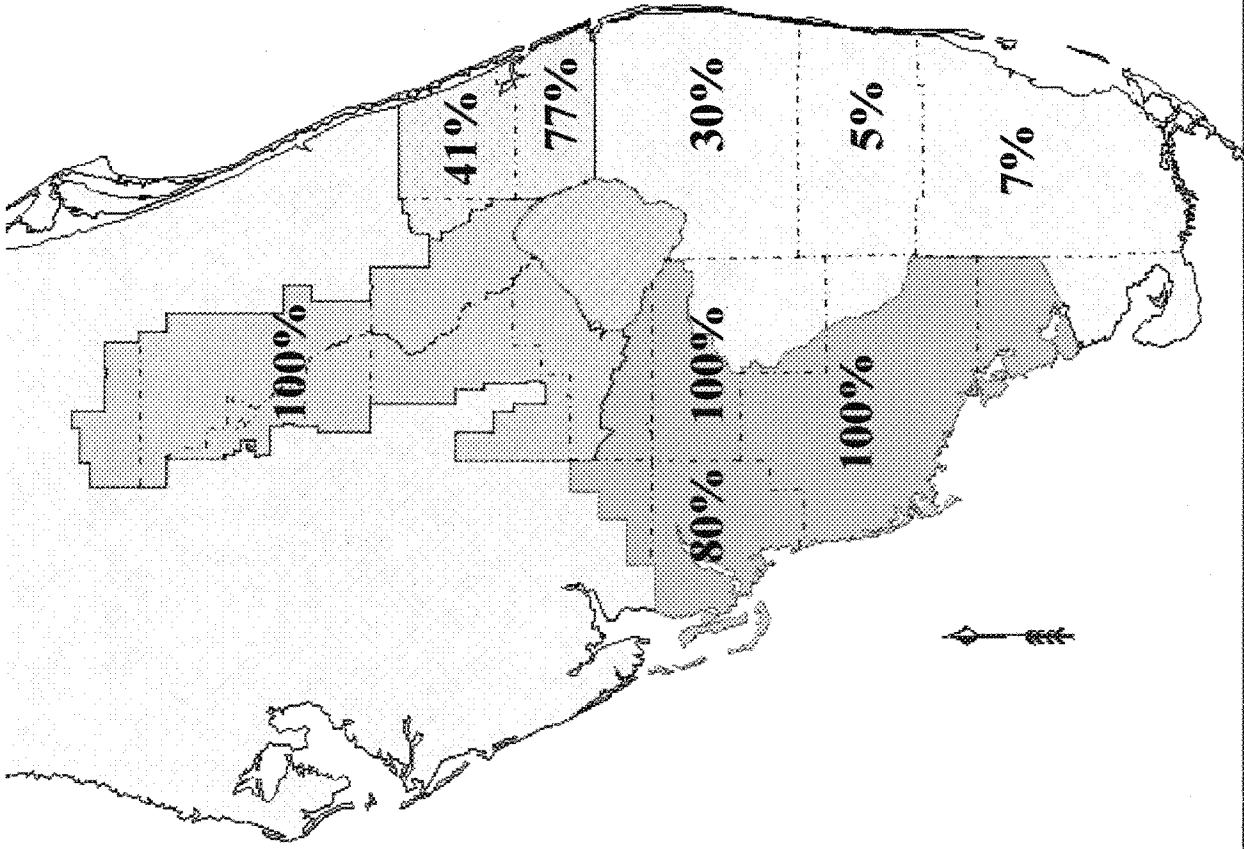


# Lower West Coast



# 2004 Reclaimed Water Use

## % of Wastewater Volume Reused



**forward.gov**

# Lower East Coast Region

## Population

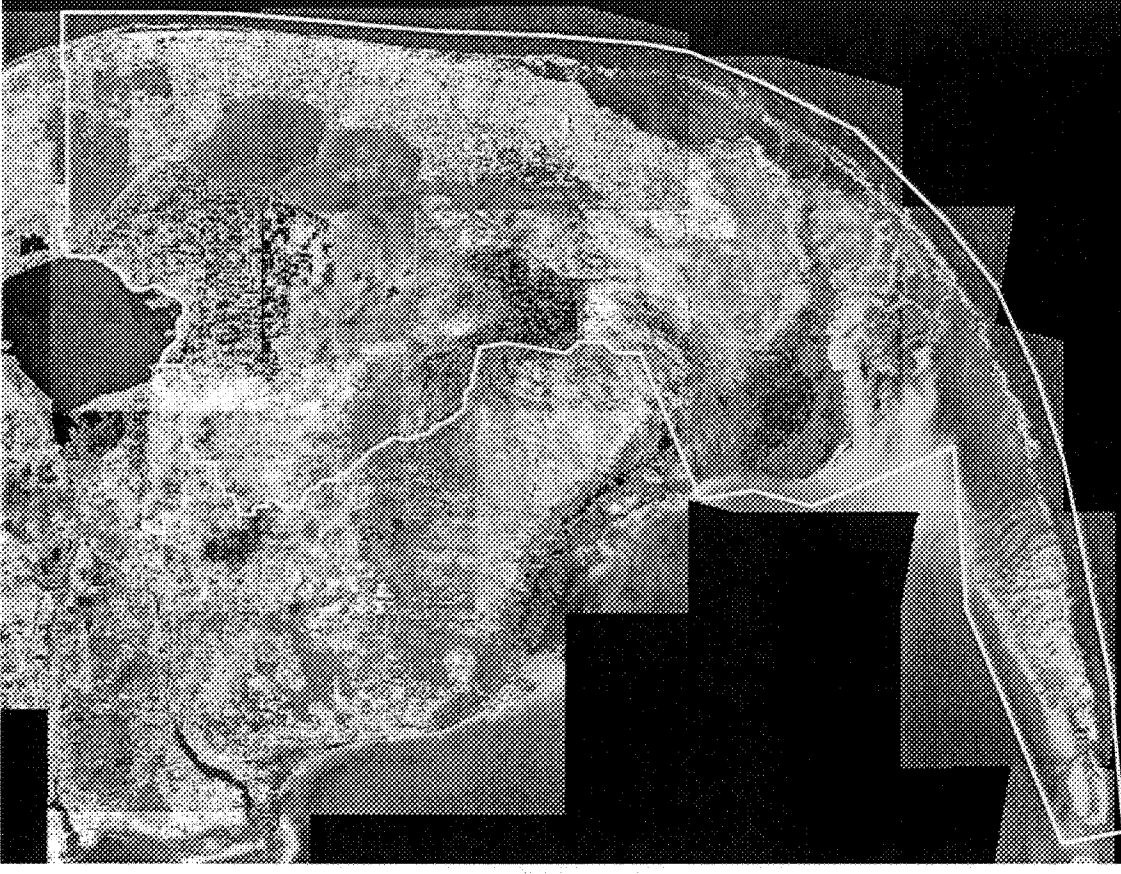
2005 – 5.6 Million

2025 – 7.3 Million

## Total User Water Demands

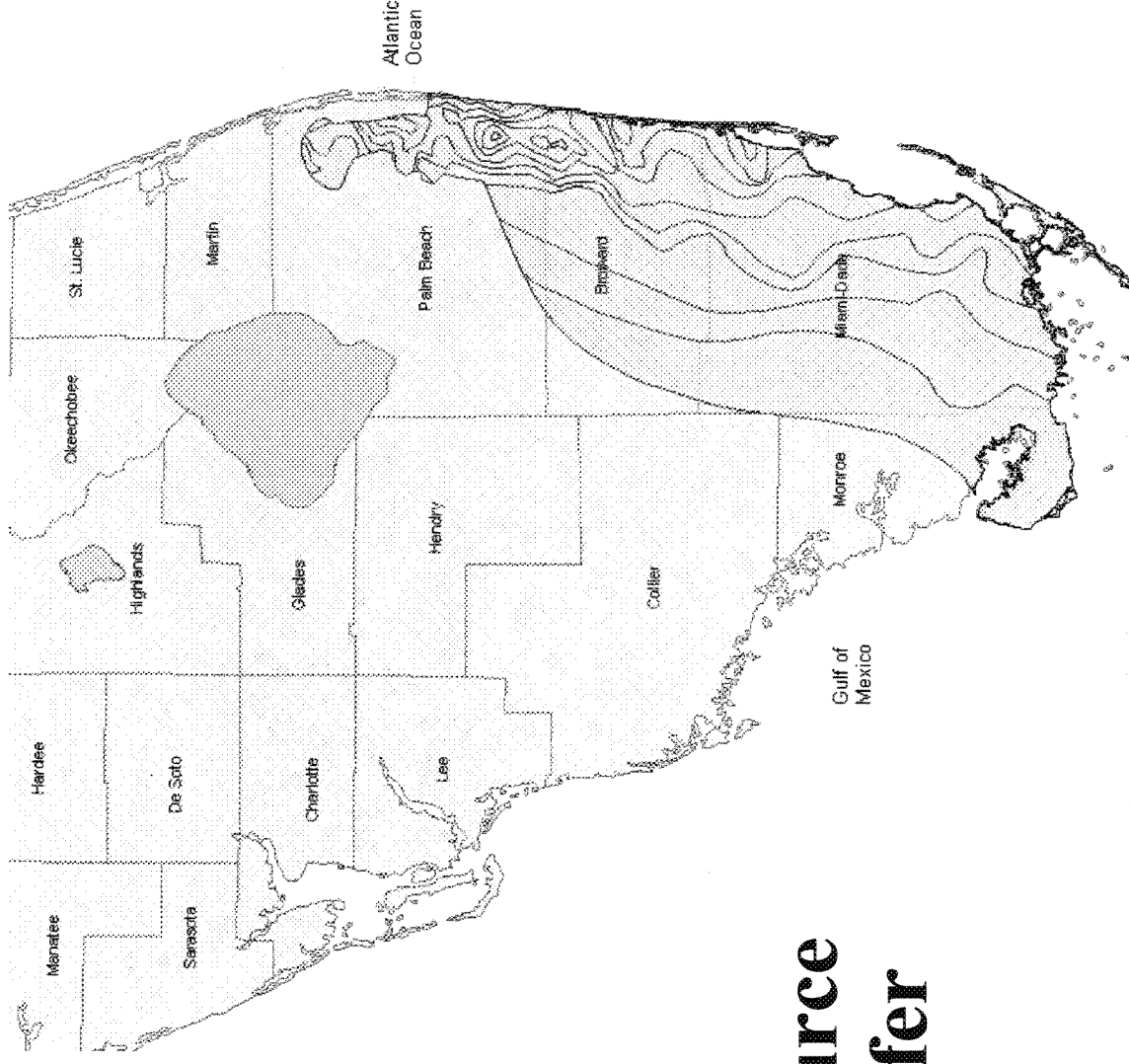
2005 – 1.5 BGD

2025 – 1.9 BGD



[sfwmd.gov](http://sfwmd.gov)

# Lower East Coast



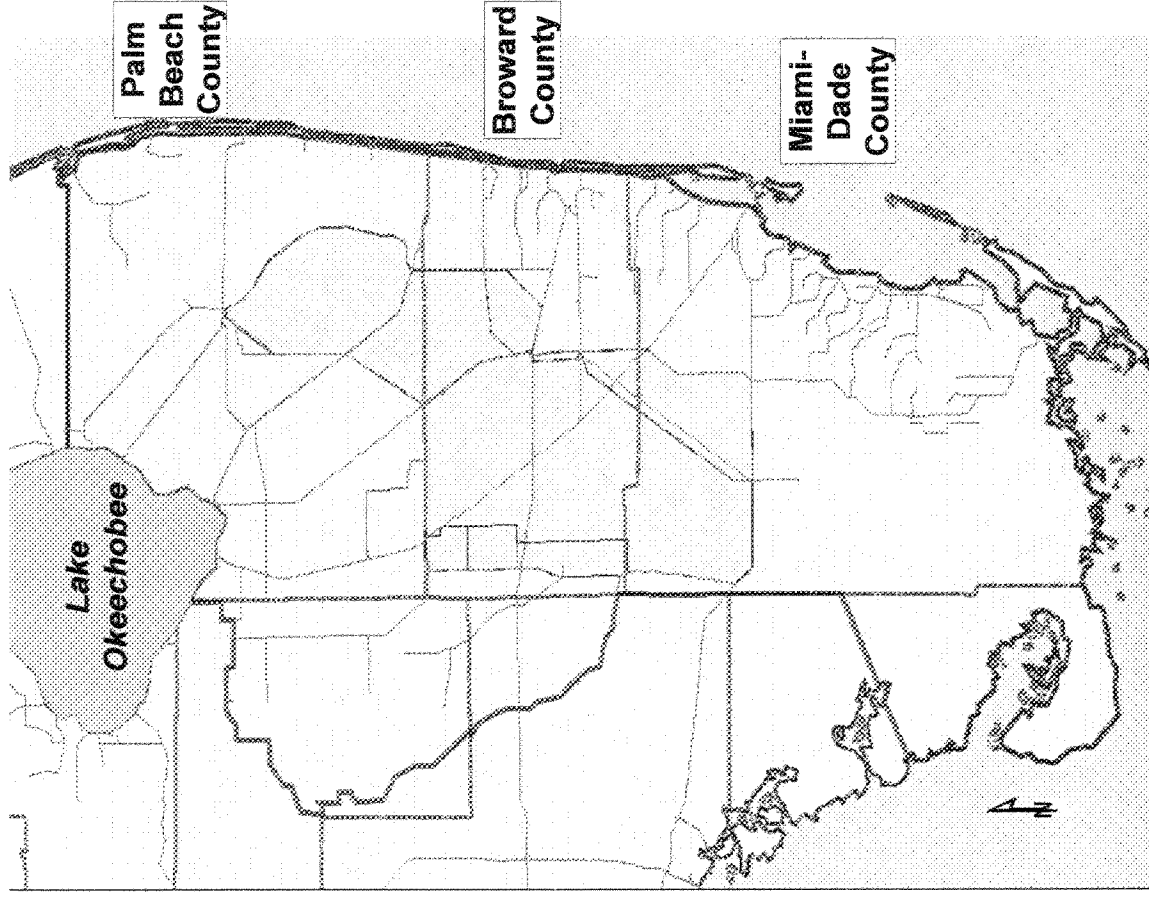
## Traditional Source Biscayne Aquifer

[sfwmd.gov](http://sfwmd.gov)



# Lower East Coast

## Regional Canal System

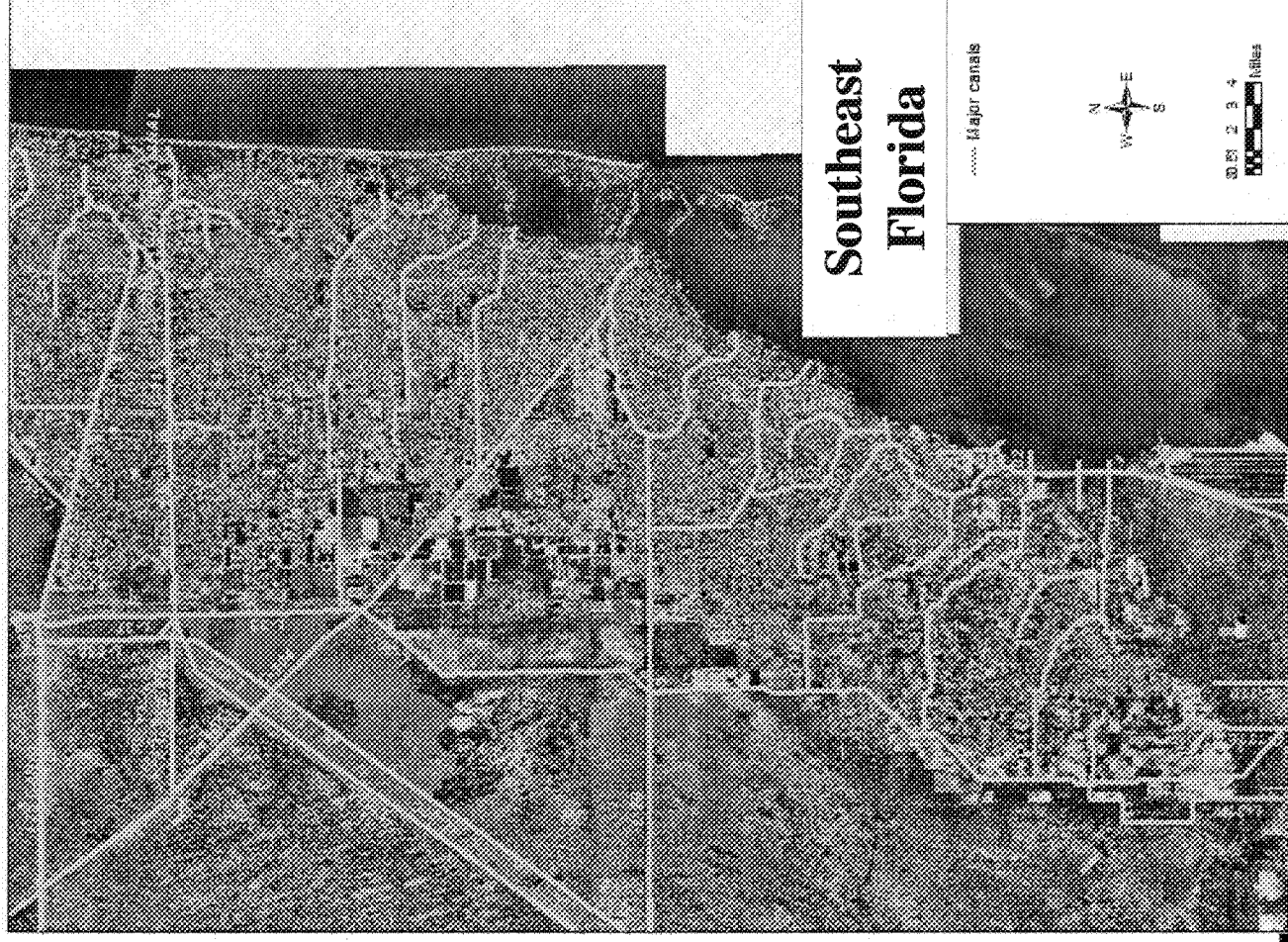


[sfwmd.gov](http://sfwmd.gov)

# Canal Recharge Lower East Coast

550 MGD of wastewater  
is deep well injected or  
discharged to the ocean

This could be an abundant  
source of reclaimed water  
for canal recharge



Southeast  
Florida

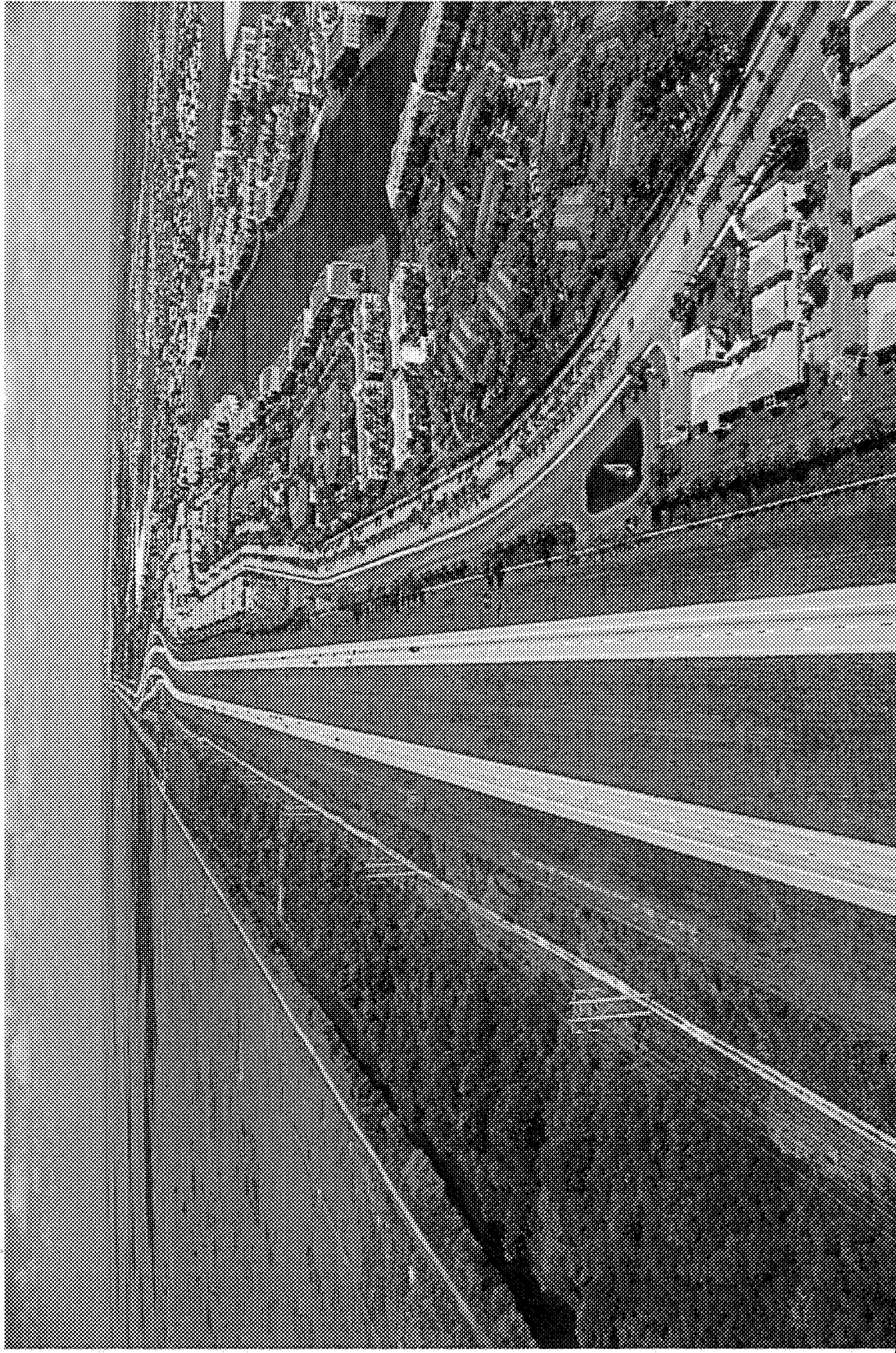
..... Major canals



0 1 2 3 4  
Miles

**sfwmd.gov**

# Canal Recharge Concept



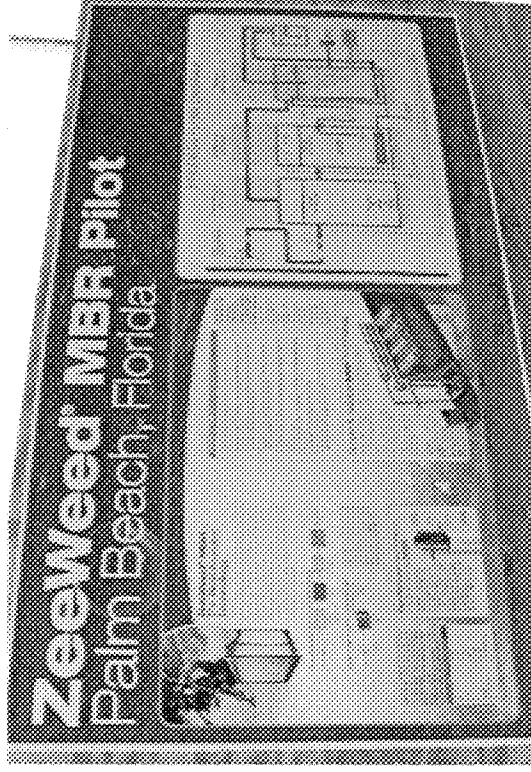
[sfwmd.gov](http://sfwmd.gov)



# **Benefits of Canal Recharge**

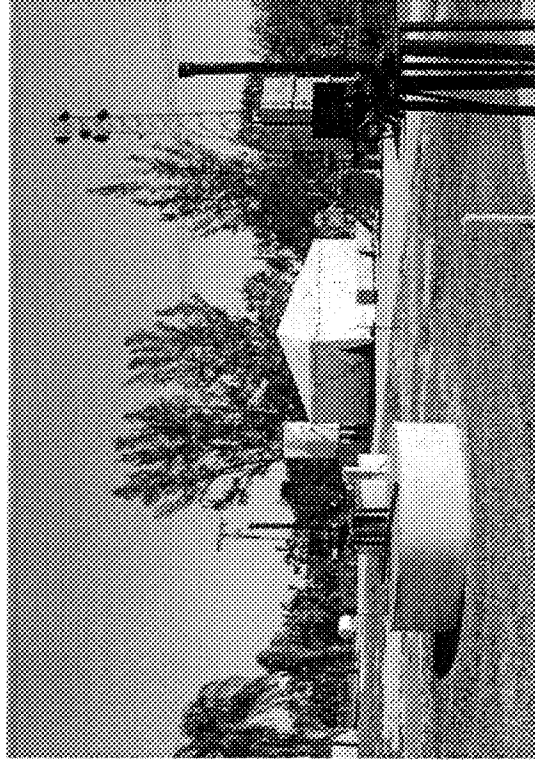
**Decrease in Regional System  
Deliveries for Water Supply =**

**More Water for Restoration of  
Everglades and Coastal Systems**



# **Pilot Project Palm Beach County Satellite Reuse Facility**

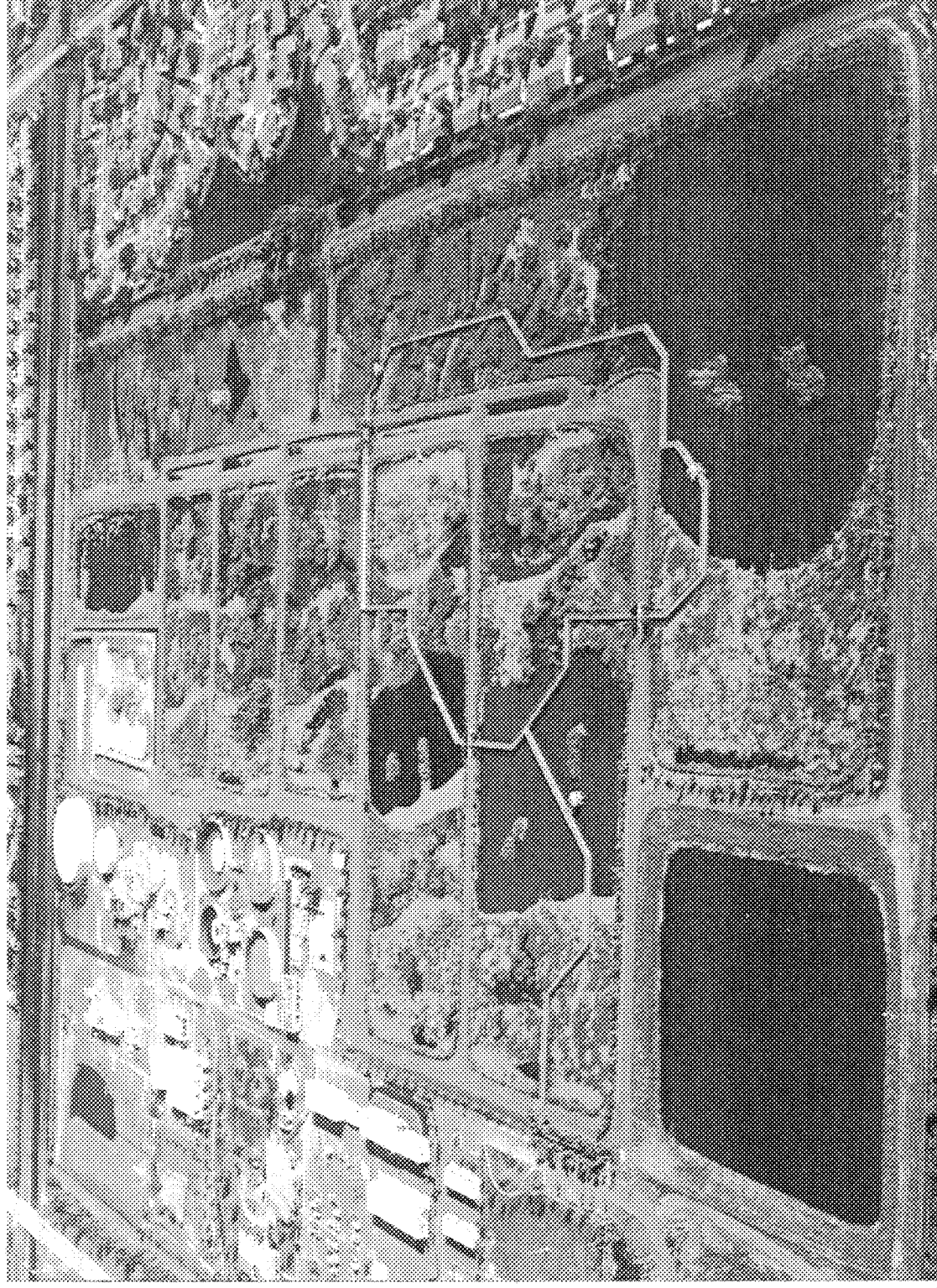
**Quantity: 1 MGD**



**End users: SFWMD headquarters  
Lake Lytal  
Golf Course**

**sfwmd.gov**

# Reuse to Wetlands



Palm Beach County

[sfwmd.gov](http://sfwmd.gov)



